



MINUTES

SELECT BOARD

8:30 AM 10/25/2021
VIA ZOOM

Present: Select Board Member, Heather Hamilton, Select Board Member, Bernard W. Greene, Select Board Member Raul Fernandez, Select Board Member John VanScoyoc, Select Board Member Miriam Aschkenasy

OPEN SESSION

Question of entering into Executive Session for the reason listed in item 2.

Vice Chair Fernandez announced that the Board shall enter into executive session to discuss collective bargaining because an open meeting may have a detrimental effect on the bargaining or litigating position of the public body. And to review/approve executive session minutes.

The board will not reconvene in opens session.

On motion it was,

Voted to enter into executive session

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

EXECUTIVE SESSION - COLLECTIVE BARGAINING

For the purpose of discussing strategy related to collective bargaining with the Police, Fire, and other Unions.

EXECUTIVE SESSION - EXECUTIVE SESSION MINUTES

Question of approving the following Executive Session meeting minutes:

September 14, 2021

October 12, 2021

There being no further business, Vice Chair Fernandez ended the meeting at 10:35am.

ATTEST



MINUTES

SELECT BOARD

**11/02/2021 6:00PM
VIA ZOOM REMOTE MEETING**

Present: Select Board Member, Heather Hamilton, Select Board Member Bernard W. Greene, Select Board Member Raul Fernandez, Select Board Member John VanScoyoc, Select Board Member Miriam Aschkenasy

ANNOUNCEMENTS/UPDATES

The Brookline Rotary Dog Day event has been postponed to this Sunday, Brookline avenue playground 11-4 pm

Well wishes to Officer Yu who was in a vehicle accident today, all involved suffered minor injuries

PUBLIC COMMENT

Rachel Goodman, Chair of the Board Steps to Success, spoke on the need to fund the Steps to Success program; many families have suffered significantly from the impact of the pandemic; STEPS has been working with BHA and the school departments, but their work has become more urgent. She is seeking ARPA funds. Chair Hamilton recommend that she submit a proposal into the portal designed for ARPA fund requests.

MISCELLANEOUS

Question of approving the meeting minutes from Tuesday, October 26, 2021.

On motion it was,

Voted to approve the meeting minutes from Tuesday, October 26, 2021.

CHANGE ORDER

Question of approving Change Order # 16/ PCCO 023 for the Brookline High School Expansion with Skanska GMP in the amount of \$182,773.

On motion it was,

Voted to approve Change Order # 16/ PCCO 023 for the Brookline High School Expansion with Skanska GMP in the amount of \$182,773.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

3.A.

In Select Board

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CHANGE ORDER

Question of approving Change Order No. 6 for the Brookline High School Expansion project Tappan Gym and 3rd Floor Renovation with CTA in the amount of \$68,467.51.

On motion it was,

Voted to approve Change Order No. 6 for the Brookline High School Expansion project Tappan Gym and 3rd Floor Renovation with CTA in the amount of \$68,467.51.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

CHANGE ORDER

Question of approving Change Order No. 7 for the Brookline High School Expansion project Tappan Gym and 3rd Floor Renovation with CTA in the amount of \$86,289.82.

On motion it was,

Voted to approve Change Order No. 7 for the Brookline High School Expansion project Tappan Gym and 3rd Floor Renovation with CTA in the amount of \$86,289.82.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

AMENDMENT #1

Question of approving Amendment #1 for the Brookline High School Expansion project with NV5 for Additional Commissioning Services in the amount of \$6,000.

On motion it was,

Voted to approve Amendment #1 for the Brookline High School Expansion project with NV5 for Additional Commissioning Services in the amount of \$6,000.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

CONTRACT

Question of approving Contract #PW/22-08 Agreement for Engineering & Supplemental Services in Connection with Brookline Village Signal Improvements with Environmental Partners Group, LLC 1900 Crown Colony Drive Suite 402, Quincy Massachusetts 02169 in the amount of \$140,900.

On motion it was,

Voted to approve Contract #PW/22-08 Agreement for Engineering & Supplemental Services in Connection with Brookline Village Signal Improvements with Environmental Partners Group, LLC 1900 Crown Colony Drive Suite 402, Quincy Massachusetts 02169 in the amount of \$140,900.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

3.A.

In Select Board

11/02/2021

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ALTERNATE MANAGERS FOR NETA

Question of approving the following alternate managers for NETA:

Joseph Chapel

Javier Lira

On motion it was,

Voted to approve the following alternate managers for NETA:

Joseph Chapel

Javier Lira

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

AUTHORIZATION TO HIRE

Question of approving the authorization to hire request for a Senior Clerk Typist (C-06) in the Department of the Town Clerk.

On motion it was,

Voted to approve the authorization to hire request for a Senior Clerk Typist (C-06) in the Department of the Town Clerk.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

AUTHORIZATION TO HIRE

Question of approving the authorization to hire request for a B-Pen Administrative Services and Outreach Coordinator in the Substance Abuse and Violence Prevention for Youth division of the Public Health and Human Services Department.

On motion it was,

Voted to approve the authorization to hire request for a B-Pen Administrative Services and Outreach Coordinator in the Substance Abuse and Violence Prevention for Youth division of the Public Health and Human Services Department.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

ALL ALCOHOL SALES LICENSE

Question of approving an All Alcohol Sales License to Mel Seibolt to be held on Saturday, November 6, 2021 for 50th Class Reunion 6:00PM – 10:00PM at Brookline High School.

On motion it was,

Voted to approve an All Alcohol Sales License to Mel Seibolt to be held on Saturday, November 6, 2021 for 50th Class Reunion 6:00PM – 10:00PM at Brookline High School.

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In Select Board

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Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

CALENDAR

SELECT BOARD CANNABIS EQUITY POLICY

Discussion and possible vote on the Select Board's cannabis equity policy.

Chair Hamilton reviewed that there are two policy versions before the Board.

Melissa Goff, Deputy Town Administrator reviewed the differences. The first version that was reviewed last week strikes language with the priority processing for residents and to review additional edits to Transfers of Ownership". The board received feedback information on Cambridge's obstacles.

In addition, Scott Ananian, AC member offered some revisions to embed into the policy. The board felt that additional language is not needed. Associate Town Counsel Jonathan Simpson offered to stay with the Board's original version striking the residential language; he feels that the proposed language is already incorporated into some criteria with the Cannabis Control Commissions established policy.

The Board discussed Cori requirements, Board member Aschkenasy is not a big fan since they are trying to get people that suffered unfairly with a criminal record to apply. She supports changes as suggested by staff.

Vice Chair, Fernandez added the Board's policy creates a doorway for applicants to apply; he does not support putting the administrative burden on the town to determine if criteria is met; we should follow the CCC's criteria.

Board member Greene recommend that the board continue to put pressure on existing licenses holders to diversify their ownership.

The board will remain with the original policy with the change:

3. Host Community Agreements and Brookline Resident Prioritization

With respect to the two additional Marijuana Retailer licenses described above, the Town will exclusively accept and consider applications for Host Community Agreements from Equity Applicants. ~~Further, Equity Applicants for Host Community Agreements that are also Brookline residents will receive priority processing (processed ahead of non-Brookline residents).~~

On motion it was,

Voted to adopt the revised language as presented in the packet, page 135, striking the residential policy.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

WARRANT ARTICLES

Further review and possible vote on the following Warrant Articles for the November 16, 2021 Fall Town Meeting (STM 1 & 2):

Warrant Article 14 - EDAB Disclosure

Warrant Article 19 - Nuisance Control

3.A.

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11/02/2021

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Warrant Article 23 - Off Street Parking (Zoorob)

Warrant Article 24 - Off Street Parking (Planning)

Warrant Article 25 - EV Ready Parking

Warrant Article 26 - Transform Planning and Zoning

Warrant Article 14 - EDAB Disclosure

The petitioner withdrew this article

Warrant Article 19 - Nuisance Control

Some members felt that the police already have the authority to respond to outside nuisances in public ways.

Petitioner Jonathan Davis responded that the police do not have the authority to deescalate nuisances with fines and tickets; they cannot give nuisance citations to property owners in the public ways.

It was noted that Chief Morgan expressed concern if a nuisance gathering happens on an outdoor seating area when the restaurant is closed; the owner should not be responsible and receive a citation.

It was also noted that the petitioner's language could be more concise in what it is asking.

On motion it was,

Voted 4-1 No Action on Article 19.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

Nay: Heather Hamilton,

Warrant Article 23 - Off Street Parking (Zoorob)

Warrant Article 24 - Off Street Parking (Planning)

Ms. Goff reviewed that the petitioners have incorporated Article 23 into Article 24 as a compromise.

Jonathan Klein reviewed the revisions in Article 23 that originally required eliminating all parking in the TPOD areas; Article 24 offered it by special permit process. The compromise incorporated reduces parking in the TPOD and in addition, throughout the town gives the Board of Appeals the option to further reduce or eliminate the numbers down to zero if certain requirements are met. This is supported by the petitioners and the Planning Board.

The AC version eliminates automatic reductions and reductions by special permit to half vs. down to zero. There was no changes in handicapped parking requirements.

On motion it was,

Voted 5-0 Favorable Action On Article 23 as amended by the petitioners.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

3.A.

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On motion it was,

Voted 5-0 No Action on Article 24.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

Warrant Article 25 - EV Ready Parking

Petitioner Jesse Gray updated the board on a revised version. He has not heard back from staff on these revisions. The revisions trigger more significant fossil fuel free new construction and new parking.

Building Commissioner Dan Bennett expressed concerns with the residential aspect relating to 1 and 2 family provisions. He added there is lots in the article he agrees with, and he usually does not take a position on articles; he supports getting the best-written documents that he can enforce. Mr. Bennett explained the challenges the building department would face with two merging town codes, the International Residential code and the International Building Code. The building inspectors would face challenges related to venting and electrical codes when addressing 1 and 2 family dwellings. He added that Tesla vehicles do not require venting.

The board noted that there is not much the board can contribute this evening and best to let these conversations play out.

No vote.

Warrant Article 26 - Transform Planning and Zoning

Chair Hamilton noted that a compromise has been reached.

Petitioner Linda Pehlke noted one change is the petitioners decoupled the resolution from the detailed proposal, withdrew the request for ARPA funds and asks the Select Board to start the process to plan a committee that would be democratically run with the assistance from the Planning Director to create a proposal on how to come up with a goal, scope, budget process and work program. This opens up to a meaningful community inclusive process.

Planning Director Kara Brewton added she is happy that the petitioners incorporated land use boards concerns. She added that this task would require an additional staff person to dedicate a portion of their work to this. She added that other departments would also provide support and input.

The aboard asked about redundancy, is there not an ongoing planning process in the works right now.

Ms. Pehlke added that the planning department efforts at this time is specific to one topic. They are not looking at impact scenarios. The Housing Production Plan will not look at facility resources; it is focused on finding areas in town that might accommodate more housing. It does not address if we did that, what are the results on other areas, commercial development, schools etc. We need to identify the need while looking at potential sites with a more holistic vision where things really make sense, not just where it is possible.

The board expressed support in the continuing with current projects and work being done. The board hopes this task will not interfere with ongoing work.

3.A.

In Select Board

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The Economic Development Advisory Board and the Planning Board support the current form with reservations this does not interfere with other planning efforts going on.

On motion it was,

Voted 5-0 Favorable Action as revised by the petitioners.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

STM 2

Warrant Article 1 - Budget

Town Administrator Kleckner reviewed the proposed budget amendment. He indicated there is additional revenue available to support the budget using the 60/40 town/school formula. The school committee has the authority to allocate their portion as they see fit, he recommend the town allocate their portion to the collective bargaining reserve. He briefly reviewed other allocations including ride share accounts and added the Advisory Committee will likely request allocations under article 30, the Spiegel amendment.

On motion it was,

Voted 5-0 Favorable Action on STM 2 Article 1 as recommended by the Town Administrator.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

There being no further business, the Chair ended the meeting at 7:50 pm.

ATTEST



Erin Chute Gallentine
Commissioner

TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Memorandum

To: The Select Board
From: Erin Chute Gallentine - Commissioner of Public Works
Date: November 2, 2021
Re: Personnel Authorization to Hire
Cc: Mel Kleckner, Town Administrator
Melissa Goff, Deputy Town Administrator
Ann Braga, Director of Human Resources

For your meeting on November 9, 2021, I respectfully submit for your review and approval the following related personnel actions:

- 1.) Authorization to hire the Water and Sewer Director Position within the Department of Public Works

Authorization to Hire

The Department of Public Works respectfully submits the attached Authorization to Hire Request form and associated position description for the Director of Water and Sewer D-6 position. This senior management level position is critical to oversee the efficient, effective and professional operation of the Division.

The Water and Sewer Division operates and maintains the Town's water and wastewater systems consisting of 355 miles of piping and appurtenances that provide domestic (58,000 residents) and fire protection. The Director manages 40+ employees who handle payroll, accounts payable, licensing, permitting and customer relations with over 2,000 request for information or assistance and 40,000 utility service invoices, annually.

The position oversees the management of appropriate regulations, testing and applications with the Massachusetts Resources Authority and MA Department of Environmental Protection. The position is responsible to oversee Capital Improvements in collaboration with the Engineering and Transportation Division and works with IT/Treasury on accurate and professional meter reading, billing and account management.

The current Water and Sewer Director has ably served in Brookline since December 5, 2013. This position will be vacant as of November 26, 2021 as he has accepted a promising opportunity as the Director of Public Works for Billerica, MA. We wish him well and are looking forward to filling this position that is a critical member of the DPW management team.



Town of Brookline

Massachusetts

Authorization To Hire Request Form

1. Position **TITLE**: _____ Grade: _____

2. Department: _____ Division: _____

3. Position Control #: _____ Prior Incumbent: _____

a. Reason for Leaving: _____

4. Budgetary Information:

Department Code: ____ Budget Code: _____ % _____

☐ Grant Funded-Name of Grant: _____ ☐ Revolving Fund ☐ Enterprise Fund

6. Employment Type:

☐ Full-Time: # of hours/week: _____ ☐ Part-Time: # of hours/week: _____

☐ Permanent ☐ Temporary: expected end date (required) ____/____/____

7. Method of Fill:

☐ Promotion – To be Posted Internally from: ____/____/____ to ____/____/____

☐ New Hire ☐ Transfer – Please explain: _____

8. List the top three essential functions of this position:

1. _____

–

2. _____

–

3. _____

–

9. I have considered the following alternatives to filling this position:

10. The alternatives are less desirable than new hire action for the following reasons:-continued on reverse side-

Authorization To Hire Request Form

11. Suggested sources for specialized recruitment advertising: ~~(other than local papers)~~

12. Please attach the current position description.

13. Signatures:

Department Head Signature:	<u>Erin Gallentine</u>	Date:	<u>11/2/21</u>
Human Resources Director:	_____	Date:	_____
Town Administrator:	_____	Date:	_____

14. Approvals:

Date on BOS Agenda:	_____	Date Approved:	_____
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15. Notes:

Memorandum



To: Chief Mark Morgan
CC:
From: Lt Paul J. Cullinane
Date: 11/2/2021
Re: Suzanne Rzecznik /Alternate Manager NETA

Sir,

Ms. Suzanne Rzecznik, [REDACTED], has submitted an application to be approved as an Alternate Manager/Marijuana Dispensary. Ms. Rzecznik, has been employed by New England Treatment Access (NETA) since April 2020. She has ten years of previous management experience in other hospitality industries.

A check of his Criminal History Record reveals no disqualifying information, and an in-house check of her name reveals no significant occurrences. She has also submitted two letters of recommendation

Ms. Rzecznik appears to be a suitable applicant for employment as an Alternate Manager at New England Treatment Access (NETA).

Suzie Rzecznik

Boston, MA [REDACTED]

Work Experience

New England Treatment Access (NETA) - Brookline, MA

Assistant Operations Manager

August 2021-Present

Inventory Specialist

April 2021-August 2021

Guide

Dec 2020-April 2021

- Front of house management of staff, scheduling, corrective actions
- Open and closing the store
- Cash management
- Follow RMD and CCC regulations and compliance for dispensing, accepting, transporting inventory
- Essential in reinstating organization of products for full service and SOPs
- Investigate and document quality control and loss prevention
- Adjust and maintain menu
- Maintain tracking, organization, and restocking of inventory in all zones
- Up-to-date knowledge on recreational and medical use of cannabis and current products
- Guide patients and customers in finding the right products for their personal needs
- Flexibility to quickly adapt to daily changes in regulations and workplace procedures
- Fulfilling high volume of orders daily
- Communicate and work as a team member for most efficient workflow
- Maintain a positive, helpful attitude through long, busy days
- Use of Metrc, Leaf Logix, and Sticky Guide systems

Café Mogador, Vino Tapa, The Fat Radish, Ciccio, MexiBBQ - New York, NY

Bar Manager, Head Bartender

2010-2020

- Motivate team and individuals in high volume, high stress environments
- First point of contact with customers
- Hospitable, personable, customer service and safety
- Maintain calm demeanor and quick problem solving during high volume service
- Defuse uncomfortable situations with unhappy or unruly customers
- Responsible for tasks related to opening and closing of the building
- Enforce and maintain pristine organization and updated stock list of inventory
- Enforce Department of Health regulations FOH & BOH
- Extensive knowledge and educate staff of all wine, beer, spirits, food
- Communication and negotiation with liquor and wine representatives
- Curate and create cocktail, wine, beer, and spirits lists seasonally
- Hiring, training, scheduling of FOH employees
- Cash management and various POS System knowledge

3.C.

Self-Employed - New York, NY

Freelance Choreographer and Dancer

2013 – 2020

- Schedule coordination of multiple concurring performances and rehearsals
- Partner with and build relationship with clients, arts organizations, donors, choreographers
- Collaboration with brands, clients, dancers, musicians, photographers, and other creatives
- Achieve clients' vision through creative movement
- Direct and teach groups of performers
- Build, maintain, and impact tracking of website and social media
- Lead groups (2-50) of performers in rehearsals and on set
- Amplify and clarify ideas to performers with constructive feedback
- Efficiently communicate artistic vision between directors, choreographers, performers
- Create movement storyboards, treatment, written movement break down
- Advocate for performers comfort and safety in the working environment
- Create and strategize visions and goals of company with Artistic director
- Casting performers
- Create and negotiate company contracts with vendors, performers, collaborators
- Contact point for audience, performers, collaborators, and vendors
- Develop and track budget
- Maintain funding thru with Indie Gogo, grant writing and Fiscal Sponsorship maintenance

Freelance Film Production - New York, NY

Film Production Assistant

2018 – 2020

- Develop and track production budget
- Schedule and coordinate flights, housing, rehearsals, film shoot, equipment shipping for cast and crew
- Create schedule and manage performers and crew on set and in rehearsals
- Assist Director and DP with equipment
- Create and negotiate contracts with cast and crew
- Lead team in staying positive through 12+ hour shoot days

Education

Marymount Manhattan College – Bachelors of Fine Arts in Modern Dance 2014

Skills

Self-starter, independent, organized, dedicated creative professional, solid track record in relationship building, customer service, hospitality, communication, leadership, budget management, and multitasking with attention to detail. Proven ability to understand needs of clients, develop creative and innovate solutions, coordinate tasks, implement creative vision and exceed client expectations. Microsoft Office, Excel, Word, PowerPoint, Google Suite, Adobe Photoshop, Premiere Pro, Lightroom, Square Space, MindBody, Instagram, Facebook, Twitter, MailChimp



TOWN of BROOKLINE Massachusetts

CORI ACKNOWLEDGMENT FORM

I am an: (please check one)

- ☒ **Applicant** - Position: Alternate Manager Department/License: NETA RMD
- ☐ **Volunteer** - Position: _____ Department: _____
- ☐ **Employee** - Position: _____ Department: _____
- ☐ **Contractor** - Company Name: _____

The Town of Brookline is registered under the provisions of M.G.L. c. 6, §172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licenses, and applicants for the rental or lease of housing. As the prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS (and in the case of certain license applicants subject to fingerprint-based background checks, to the FBI). I hereby acknowledge and provide permission to The Town of Brookline to submit a CORI check for my information. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing The Town of Brookline with written notice of my intent to withdraw consent to a CORI check. For employment, volunteer, and licensing purposes only: The Town of Brookline may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that The Town of Brookline must first provide me with written notice of this check 72 hours in advance. By signing below, I provide my consent to a CORI check and acknowledge that the information provided on this Acknowledgment Form is true and accurate.

[Signature]
Applicant/Employee/Volunteer/Contractor Signature

10/19/21
Today's Date

Applicant/Volunteer/Employee/Contractor Information (Please Print)

Last Name: RZECNIK First Name: SUZANNE MI: M

Current Address: 3 [REDACTED] DALE MA 02139

Former Address(es): [REDACTED] 02130

Maiden Name or Alias (if Applicable): _____ Place of Birth: PITTSBURGH, PA

Date of Birth: 06/13/1991 Last 6 digits of Social Security Number: [REDACTED]

Sex: F Height: 5 ft. 5 in. Race: WHITE Eye Color: GREEN

State Driver's License Number (Include State): _____ ID Theft Index PIN*: _____

List any other name(s) or dates of birth that appear in DCJIS's database: _____

Mother's Full Maiden Name: [REDACTED] Father's Name: DANIEL RZECNIK

*The Identify Theft Index PIN Number is not required and only for those applicants who have been issued an Identify Theft Index PIN Number by the DCJIS. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the Accuracy of the CORI request process.

For Official Use Only

I certify that the foregoing person was identified in conformity with Town Policy using the following form of acceptable government-issued identification: (List ID Type) ☐ State Drivers License ☐ State issued ID w/Photo ☐ Passport ☐ U.S. Military I.D. ☐ High School ID Card ☐ Other (obtain HR approval): _____

Signature of CORI-Authorized Employee: _____ Date: _____

Name and Position of CORI-Authorized Employee: _____

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APPENDIX A - CORI Acknowledgment Form

I am an: (please check one)

Applicant - Position: Alternate Manager Department/License: NETA ME and MTC

Volunteer - Position: _____ Department: _____



Employee - Position: _____ Department: _____



Contractor - Company Name: _____

The Town of Brookline is registered under the provisions of M.G.L. c. 6, §172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licenses, and applicants for the rental or lease of housing. As the prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS (and in the case of certain license applicants subject to fingerprint-based background checks, to the FBI). I hereby acknowledge and provide permission to The Town of Brookline to submit a CORI check for my information. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing The Town of Brookline with written notice of my intent to withdraw consent to a CORI check. For employment, volunteer, and licensing purposes only: The Town of Brookline may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that The Town of Brookline must first provide me with written notice of this check 72 hours in advance. By signing below, I provide my consent to a CORI check and acknowledge that the information provided on this Acknowledgment Form is true and accurate.



Applicant/Employee/Volunteer/Contractor Signature

1011/2021

Today's Date

Applicant/Volunteer/Employee/Contractor Information (Please Print)Last Name: Rzecznik First Name: Suzanne MI: MCurrent Address: [REDACTED] 1Former Address(es): [REDACTED]Maiden Name or Alias (If Applicable): _____ Place of Birth: Pittsburgh, PADate of Birth: 06/13/1991 Last 6 digits of Social Security Number: [REDACTED] ington StreetSex: F Height: 5 ft. 5 in. Race: White Eye Color: Green

State Driver's License Number (Include State): _____ ID Theft Index PIN*: _____

List any other name(s) or dates of birth that appear in DCJIS's database: _____

Mother's Full Maiden Name: [REDACTED] Father's Name: Daniel Rzecznik

*The Identify Theft Index PIN Number is not required and only for those applicants who have been issued an Identity Theft Index PIN Number by the DCJIS. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the Accuracy of the CORI request process.

*****For Official Use Only*****

I certify that the foregoing person was identified in conformity with Town Policy using the following form of acceptable government-issued identification: _____ (List ID Type)

Signature of CORI-Authorized Employee: _____ Date: _____

Name and Position of CORI-Authorized Employee: _____

LICENSE INTERVIEW FORM

TYPE OF LICENSE APPLYING FOR: Alternate Manager's License

NAME: Suzanne Rzecznik

ADDRESS: 3

EMAIL ADDRESS

PHONE #:

PLACE OF BIRTH: Pittsburgh, PA

FATHER'S NAME: Daniel Rzecznik

MOTHER'S MAIDEN NAME: [REDACTED]

ARE YOU A CITIZEN?

YES



NO



ALIEN CARD #

ARE YOU A VETERAN:

YES



NO



RESIDENCES FOR LAST FIVE YEARS

DATE: 2020-2021

LOCATION: 324 Centre St #1 Jamaica Plain, MA 02130

DATE: 2016-2020

LOCATION: 25-77 44th St. #1L Astoria, NY 11103

DATE:

LOCATION:

DATE:

LOCATION:

DATE:

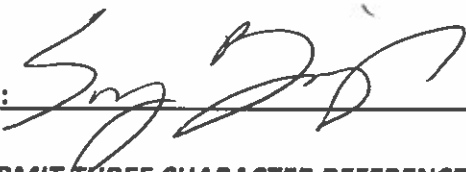
LOCATION:

EDUCATION

DATE: 2011-2014	LOCATION: Marymount Manhattan College, NYC
DATE: 2010-2011	LOCATION: Joffrey Ballet School, NYC
DATE: 2009-2010	LOCATION: University at Buffalo, New York
DATE: 2006-2009	LOCATION: Lincoln Park Performing Arts Charter School, I

EMPLOYMENT HISTORY

DATE: 2013-2020	LOCATION: Self Employeed	POSITION Dancer/Choreogr
DATE: 2019-2020	LOCATION: Cafe Mogador	POSITION Bar Manager
DATE: 2015-2019	LOCATION: Vino Tapa	POSITION Bar Manager
DATE: 2017-2018	LOCATION: The Fat Radish	POSITION Bartender
DATE: 2016-2017	LOCATION: Ciccio	POSITION Bartender

SIGNATURE:

DATE: 10/11/2021**(PLEASE SUBMIT THREE CHARACTER REFERENCES WITH APPLICATION)**

3.C.

Nate Tucker
3965 Washington St
Apt 1R
Roslindale, MA 02131

To whom it may concern,

I have known Suzanne for close to 6 years now. We met working on a theater production in New York City in 2016. We have performed, collaborated, and produced many shows together since our meeting. In addition to working together Suzanne has become my closest friend and is my partner in life. I think there is no better person than me to explain how incredible she is as a person.

Over the years Suzanne proves to me repeatedly that she works harder than anyone I know. She is dedicated to her work, no matter what that work may be, from creative to bartending to her newest management position at Neta. She approaches each job with her full self, being selfless in working hard for her team and always doing what is best for the collective. Any show we have worked on together happens with ease because of her ability to navigate difficulties, communicate easily, and make everyone on the team a little happier every day.

Suzanne's deeply cares about people – her teammates and the customers. It shows in her work ethic and her ability to understand and listen. She has this incredible ability to take a step back and look at a situation from an outside lens to find the best solution. I see her come home from work every day still thinking about ways to make things run more smoothly, what else she can do for her team, and it shows that she continues to make her workplace better simply by being a part of the team.

It is without a hesitation that I recommend for Suzanne to be approved by the board of Brookline.

Cheers,



Nate Tucker
nbtucker@gmail.com



October 5, 2021

To whom it may concern,

It is my pleasure to write this letter of recommendation on behalf of Suzanne Rzecznik. For the past year I have worked with Suzanne and seen her growth within the company from Guide to Inventory Specialist, and now onto management. She is a joy to work with and always approaches every opportunity with great integrity and a positive attitude.

Suzanne is excellent with our team as a leader, she is someone everyone feels comfortable coming to with any concerns. With our customers and patients, she has incredible patience, she's knowledgeable, and calm during stressful situations. She is a huge asset to our team at NETA in so many ways and I am pleased to be working side by side with her.

In addition to working closely with Suzanne, we have become close friends and she has shown that in addition to excellent work ethic, she is an incredibly empathetic, insightful person. I am grateful to have her as a coworker and friend.

It is without hesitation that I write this letter recommending she be approved by Brookline to be an Alternate Manager.

Best,

A handwritten signature in black ink, appearing to be 'Arielle Herold', with a long horizontal stroke extending to the right.

Arielle Herold

Assistant Operations Manager, New England Treatment Access
aherold@netacare.org

Paulette Lewis
225 Macon St
Brooklyn, NY 11216

October 29, 2021

To the town of Brookline,

It with absolute honor and privilege that I write to you in reference to Suzanne Rzecznik's employment at NETA. I know that NETA is thrilled to have her as a leader, and I know that the town of Brookline will learn quickly that she is one of the most trustworthy people you could possibly have as a manager.

Over the past 15 years of knowing Suzanne, I have watched her grow as a human, artist, and professional. We met as dance students at Point Park University summer intensive, then later became professional dancers and producers in New York City together. Suzanne is one of the most resilient, driven people I have seen work in the industry in NYC. As a leader in the dance community, she has built companies from the ground up, produced successful and inspiring shows, and has been a great mentor to younger dancers.

All in all, Suzanne is an excellent person to have as a leader. She presents herself with the most professionalism and will be the perfect representative of the company and town.

Please do not hesitate to reach out to me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Paulette Lewis". The ink is dark and the signature is fluid, with a large initial 'P' and a long, sweeping 'L'.

Paulette Lewis

Art Producer, Public Relations
262-483-8428
thepaulettelewis@gmail.com



VOTE OF CORPORATION

DATE: _____

AT A MEETING OF THE BOARD OF DIRECTORS OF _____

HELD AT: _____ **ON:** _____

IT WAS DULY VOTED THAT THE CORPORATION APPLY TO THE LICENSING BOARD FOR THE TOWN OF BROOKLINE FOR A

(TYPE OF LICENSE)

FOR THE YEAR _____ **TO BE EXERCISED ON THE PREMISES LOCATED AT**

VOTED: TO AUTHORIZE _____ **TO SIGN**

THE APPLICATION FOR THE LICENSES IN THE NAME OF _____

_____ **AND TO EXECUTE ON ITS BEHALF ANY NECESSARY PAPERS, AND TO DO ALL THINGS REQUIRED RELATIVE TO THE GRANTING OF THE LICENSE.**

THIS CORPORATION HAS _____ **BEEN RESOLVED.**

A TRUE COPY

ATTEST: _____
CLERK

Memorandum



To: Supt Mark Morgan

CC:

From: Lt Paul J. Cullinane

Date: 11/1/2021

Re: Arielle Herold/Alternate Manager NETA

Sir,

Ms. Arielle Herold, [REDACTED] has submitted an application to be approved as an Alternate Manager/Marijuana Dispensary. Ms. Herold is a graduate of Wentworth Institute of Technology, is a Massachusetts native has been employed by New England Treatment Access (NETA) since February, 2019. She has six years of previous management experience in the food service industry.

A check of his Criminal History Record reveals no disqualifying information, and an in-house check of her name reveals no occurrences. She has also submitted two letters of recommendation

Ms. Herold appears to be a suitable applicant for employment as an Alternate Manager at New England Treatment Access (NETA).

[REDACTED]

3.C.

November 1, 2021

EDUCATION**Wentworth Institute of Technology - Boston, MA****Graduated: August 2013**

Bachelor of Science in Management | Concentration: Project Leadership | Certificate in Communications

TECHNICAL PROFICIENCIES

BackOffice, Salesforce, Microsoft Office skills including Word, PowerPoint, Excel, Outlook, Publisher, Visio

WORK EXPERIENCEFebruary 2019 to Present**New England Treatment Access (NETA) Brookline, MA****Assistant Operations Manager**

- Overseeing day to day the operations on the sales floor and pack rooms
- Educated guides and patients on options available for use of medical marijuana
- Financial reconciliation for both medical and recreational licences
- Cashing out payment for medical and recreational customers
- Ensured an exceptional customer experience with emphasis on operational compliance

August 2016 to March 2020**TIGERS AND BEARS LLC Cambridge, MA****Event Manager: (MIDDLESEX LOUNGE | MIRACLE OF SCIENCE | CAMBRIDGE, I.)**

- Create and execute contracts
- Calculate budgets and ensure they are adhered to
- Plan layout of seating and decoration
- Schedule staff for events including bouncers, bartenders and servers
- Coordinate and monitor event timelines and ensure deadlines are met

March 2016 to March 2020**MERCEDES-BENZ OF BOSTON Somerville MA****Cashier/Receptionist**

- Answer all incoming calls for all departments and directing customers to the appropriate parties
- Scanning and filing repair order
- Cashing out payment for sales, service and parts department
- Additional administrative responsibilities including nightly
- Maintain cleanliness of the customer service lounge deposit

July 2015 to March 2016(Contract through WinterWyman)**LIAISON INTERNATIONAL Watertown, MA****Customer Service Representative**

- Communicate directly with applicants daily providing customer service, and detailed instructions
- Solve problems, and advocate for applicants with special circumstances
- Provide high quality customer service in a fast paced environment

May 2015 to July 2015 (Contract through WinterWyman)**INDUSTRIAL ECONOMICS INC, Cambridge, MA****Research Analysts**

- Natural resource damage assessments involving the Deepwater Horizon oil spill
- Specifically I work on data management



TOWN of BROOKLINE Massachusetts

CORI ACKNOWLEDGMENT FORM

I am an: (please check one)

- ☒ **Applicant** - Position: Alternate Manager Department/License: NETA RMD
- ☐ **Volunteer** - Position: _____ Department: _____
- ☐ **Employee** - Position: _____ Department: _____
- ☐ **Contractor** - Company Name: _____

The Town of Brookline is registered under the provisions of M.G.L. c. 6, §172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licenses, and applicants for the rental or lease of housing. As the prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS (and in the case of certain license applicants subject to fingerprint-based background checks, to the FBI). I hereby acknowledge and provide permission to The Town of Brookline to submit a CORI check for my information. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing The Town of Brookline with written notice of my intent to withdraw consent to a CORI check. For employment, volunteer, and licensing purposes only: The Town of Brookline may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that The Town of Brookline must first provide me with written notice of this check 72 hours in advance. By signing below, I provide my consent to a CORI check and acknowledge that the information provided on this Acknowledgment Form is true and accurate.

Applicant/Employee/Volunteer/Contractor Signature _____

Today's Date 10.13.21

Applicant/Volunteer/Employee/Contractor Information (Please Print)

Last Name: HEROLD First Name: ARIELLE MI: Y

Current Address: _____

Former Address(es): _____

Maiden Name or Alias (if Applicable): _____ Place of Birth: BOSTON

Date of Birth: _____ Last 6 digits of Social Security Number: _____

Sex: F Eye Color: _____

State Driver's License Number (Include State) SA ID Theft Index PIN*: _____

List any other name(s) or dates of birth that appear in DCJIS's database: _____

Mother's Full Maiden Name: _____ Father's Name: _____

*The Identify Theft Index PIN Number is not required and only for those applicants who have been issued an Identify Theft Index PIN Number by the DCJIS. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the Accuracy of the CORI request process.

For Official Use Only

I certify that the foregoing person was identified in conformity with Town Policy using the following form of acceptable government-issued identification: (List ID Type) ☐ State Drivers License ☐ State Issued ID w/Photo ☐ Passport ☐ U.S. Military I.D. ☐ High School ID Card ☐ Other (obtain HR approval): _____

Signature of CORI-Authorized Employee: _____ Date: _____

Name and Position of CORI-Authorized Employee: _____

**ALTERNATE MANAGER
RECOMMENDED IN
TOWN LIQUOR LICENSE POLICIES**

(1) APPLICATION DOES NOT NEED TO BE FILLED OUT ON LINE WITH ABCC

(2) APPLICATIONS AVAILABLE IN THIS OFFICE (SEE ATTACHED)

a. Alternate Manager's Form with attachments

- i. Cori Release Form (see attached policies)
- ii. Fingerprinting (see attached information)
- iii. Three (3) signed letters of reference (Board of Directors)
- iv. Vote of Corporation
- v. Valid Identification (State driver's license, passport, etc)
- vi. IN-PERSON class for the safe service of alcohol certification
- vii. Proof of Citizenship (birth certificate/passport/naturalization papers/
voter registration).
- viii. Crowd Manager Certification from the Massachusetts Department of
Fire Services (Manager of Record – If there is a bar regardless of
number)

ARIELLE HEROLD

APPENDIX A - CORI Acknowledgment Form

I am an: (please check one)

☒
☐
☐
☐

Applicant - Position: ALTERNATE MANAGER Department/License: NETA ME and MTC
 Volunteer - Position: _____ Department: _____
 Employee - Position: _____ Department: _____
 Contractor - Company Name: _____

The Town of Brookline is registered under the provisions of M.G.L. c. 6, §172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licenses, and applicants for the rental or lease of housing. As the prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS (and in the case of certain license applicants subject to fingerprint-based background checks, to the FBI). I hereby acknowledge and provide permission to The Town of Brookline to submit a CORI check for my information. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing The Town of Brookline with written notice of my intent to withdraw consent to a CORI check. For employment, volunteer, and licensing purposes only: The Town of Brookline may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that The Town of Brookline must first provide me with written notice of this check 72 hours in advance. By signing below, I provide my consent to a CORI check and acknowledge that the information provided on this Acknowledgment Form is true and accurate.

Applicant/Employee/Volunteer/Contractor Signature

10/3/21
 Today's Date
Applicant/Volunteer/Employee/Contractor Information (Please Print)

Last Name: HEROLD First Name: ARIELLE MI: Y
 Current Address: 1 [REDACTED]
 Former Address(es): 320 WARREN ST, 107 BRUNSWICK ST, 650 COMMBARD
 Maiden Name or Alias (If Applicable): _____ Place of Birth: BOSTON MA
 Date of Birth: 01-15-91 Last 6 digits of Social Security Number: [REDACTED]
 Sex: F Height: 5 ft. 3 in. Race: BLACK Eye Color: BROWN
 State Driver's License Number (Include State): [REDACTED] ID Theft Index PIN*: _____
 List any other name(s) or dates of birth that appear in DCJIS's database: _____

 Mother's Full Maiden Name: MICHELLE LAPLANTE Father's Name: MARIO HEROLD

*The Identify Theft Index PIN Number is not required and only for those applicants who have been issued an Identity Theft Index PIN Number by the DCJIS. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the Accuracy of the CORI request process.

*****For Official Use Only*****

I certify that the foregoing person was identified in conformity with Town Policy using the following form of acceptable government-issued Identification: (List ID Type)

Signature of CORI-Authorized Employee: _____ Date: _____

Name and Position of CORI-Authorized Employee: _____

LICENSE INTERVIEW FORMTYPE OF LICENSE APPLYING FOR: ALTERNATE MANAGER LICENSENAME: ARIELLE HEROLDADDRESS: [REDACTED]EMAIL ADDRESS: aherolda@netacare.orgPHONE #: [REDACTED]PLACE OF BIRTH: BOSTON MAFATHER'S NAME: [REDACTED]MOTHER'S MAIDEN NAME: [REDACTED]

ARE YOU A CITIZEN?

YES



NO



ALIEN CARD #

ARE YOU A VETERAN:

YES



NO



RESIDENCES FOR LAST FIVE YEARS

DATE: ^{JUNE} April 2014 - 2018 LOCATION: 320 WARREN ST ^{#3} ROXBURY MADATE: ^{JAN} JUNE 2018 - 2020 LOCATION: 107 BRUNSWICK ST ^{#1} BOSTON MADATE: ²⁰²⁰ JAN 2020 - MAY LOCATION: 650 COLUMBIA RD ^{#1} BOSTON MADATE: ²⁰²¹ MAY 2020 - SEPT LOCATION: 18 WARDMAN RD ^{#1} ROXBURY MADATE: ²⁰²¹ SEPT 2021 - present LOCATION: 1 HALEY ST ROXBURY MA

EDUCATION

DATE: 2009 - 2013 LOCATION: WENTWORTH INSTITUTE OF TECHNOLOGY

DATE: _____ LOCATION: _____

DATE: _____ LOCATION: _____

DATE: _____ LOCATION: _____

EMPLOYMENT HISTORY

DATE: MAY 2015 - JULY 2015 LOCATION: Industrial Economics POSITION Research Analyst

DATE: JULY 2015 - MARCH 2016 LOCATION: LIASION international POSITION Customer Service Rep

DATE: MARCH 2016 - MARCH 2020 LOCATION: MERCEDES BENZ of Boston POSITION Receptionist

DATE: AUG 2016 - MARCH 2020 LOCATION: Tigers & Bears POSITION Event Manager

DATE: Feb 2019 - present LOCATION: NETA POSITION ASSISTANT OPERATIONS MANAGER

SIGNATURE: _____



DATE: 10/3/21

(PLEASE SUBMIT THREE CHARACTER REFERENCES WITH APPLICATION)

3.C.

To Whom it May Concern,

Arielle Herold has been an outstanding employee of Urban Outfitters Store 9 for years. She has always kept a very positive attitude and put the team before herself. Despite a limited availability Arielle is our Weekend new hire trainer. We love having people train with Arielle because she works hard and is very polite and vocal with customers. I have received multiple customer compliments over time raving about how helpful Arielle was. On a related note Arielle received an Exemplary Performance Certificate. She received one of just 3 of these that are given out once a year. She agreed to come in on a day she wasn't scheduled and had a great attitude while snagging multiple sales.

I believe Arielle has unique experience for events positions because she has experience from both sides. She has managed an artist and had years of experience at Urban Outfitters. I run a Vintage Company that I hope will be having an event at Urban soon and I would feel very comfortable with someone like Arielle coordinating it. I also know that people with passion in any field have the highest ceiling for success and I don't doubt Arielle's passion at all. As soon as she heard about this position it was all business about how she could submit her best application. I'm honored to give her my recommendation and know that she would do as great a job in this position as she has done for us.

ZACH WEATHERFORD

To Whom It May Concern:

I am writing in recommendation of Arielle Herold, as both a remarkably inspired person and an ever-dedicated asset to the Johnny Cupcakes brand. My first introduction to Ms. Herold came when I was a new hire to the company and she was already a very active intern, working largely behind the scenes. Her reputation as a loyal and positive employee preceded her, giving me the expectation that she would be the kind of co-worker eager to tackle any opportunity presented to her. Later, as her direct superior, she not only met that expectation, but exceeded it effortlessly. As a coworker, Ms. Herold has exuded positivity even under the often-overwhelming stresses of operating in a high-end retail boutique on the highly trafficked Newbury Street. As a friend, her optimism is contagious, maintaining and reflecting an attitude that balances both work and play. During her time at Johnny Cupcakes, she has made a lasting impact on both the other members of the company and our loyal community of customers. Her current endeavors, both entrepreneurial, educational and otherwise, are sure to receive the same respect and success. It is my pleasure to recommend Arielle Herold as a great fit for any opportunity that may come her way.

Sincerely yours,

Dustin J. S. Watson

To Whom It May Concern:

As a human resource manager of Johnny Cupcakes, Inc., I am happy to write this letter of recommendation for Arielle Herold. Arielle was a part of our team from November 2009 until October 2011, where she was hired on as one of our first interns. While with us, she worked in both our headquarters/offices and retail store location in Boston. She also assisted myself at many of our lecture events in both coordinating and selling of merchandise. Arielle was a big help to our Boston store location, where she worked at most of the big store releases and annual events.

Arielle possesses great people skills and is very easy to get along with. She was here for us through our busiest times of year, and was always there to count on if someone needed a shift covered in the store or if extra help was needed at events. Not only does Arielle possess great work ethics, but she also has a huge heart. She devoted a lot of her own time during the past two summers to volunteer at a local camp with our family. From decorating cupcakes and playing games with the kids, to cleaning up the entire camp, Arielle was always a big part of our involvement with this camp.

Please consider Arielle Herold as a potential candidate for your company, as I am positive that she will prove to be a great asset in anything she does. Thank you for your time and consideration.

Best,

Linsay Earle

Johnny Cupcakes, Inc.



VOTE OF CORPORATION

DATE: _____

AT A MEETING OF THE BOARD OF DIRECTORS OF _____

HELD AT: _____ **ON:** _____

IT WAS DULY VOTED THAT THE CORPORATION APPLY TO THE LICENSING BOARD FOR THE TOWN OF BROOKLINE FOR A

(TYPE OF LICENSE)

FOR THE YEAR _____ **TO BE EXERCISED ON THE PREMISES LOCATED AT**

VOTED: TO AUTHORIZE _____ **TO SIGN**

THE APPLICATION FOR THE LICENSES IN THE NAME OF _____

AND TO EXECUTE ON ITS BEHALF ANY NECESSARY PAPERS, AND TO DO ALL THINGS REQUIRED RELATIVE TO THE GRANTING OF THE LICENSE.

THIS CORPORATION HAS _____ **BEEN RESOLVED.**

A TRUE COPY

ATTEST: _____
CLERK

3.C.



CERTIFICATE OF VITAL RECORD

VERIFY PRESENCE OF WATERMARK

HOLD TO LIGHT TO VIEW

The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

COPY OF RECORD OF BIRTH

CHILD

Name: ARIELLE YARDLLEY HEROLD
Date of Birth: JANUARY 15, 1991 Time: 4:05 PM
Sex: FEMALE
Place of Birth: [REDACTED]

MOTHER

Name: MICHELLE DORSHIA LAPLANTE
Maiden Surname: [REDACTED] APRIL 7, 1965
Birthplace: [REDACTED]
Residence: [REDACTED]

Date of RECORD: MARCH 6, 1991

WITNESS my hand and the SEAL OF THE DEPARTMENT OF PUBLIC
HEALTH at Boston on this 22nd day of JULY 2010.

Stanley E. Nye
Registrar of Vital Records and Statistics

I, the undersigned, hereby certify that I am the Registrar of Vital Records and Statistics;
that as such I have custody of the records of birth, marriage, and death required by law to
be kept in my office; and I do hereby certify that the above is a true copy from said
records.

IT IS ILLEGAL TO ALTER OR REPRODUCE THIS DOCUMENT IN ANY MANNER

VOID WITHOUT WATERMARK OR IF ALTERED OR ERASED

3.D.



TOWN of BROOKLINE
Massachusetts
BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

To: Select Board and School Committee

From: Anthony Guigli, Project Administrator

Date: 3 November 2021

Re: New Driscoll School
Jonathan Levi Architects (JLA)
Contract Amendment #16, increase \$79,244.00

Proposed Amendment #16 to the contract between the Town of Brookline and JLA for the New Driscoll School in the amount of \$79,244.00 is for a geothermal system design services. This amendment was previously approved by the School Committee on 21 October 2021 and the Select Board on 19 October 2021. Unfortunately, owing to a clerical error, the amount approved was incorrect. Therefore, I respectfully request both boards vacate the previous vote and reconsider the amendment as corrected. The Building Commission approved the amendment in the correct amount at their October meeting. My apologies for any inconvenience.

Please call or email with questions.

Thank you for the consideration of the above.

Cc: D. Bennett



October 12, 2021

Mr. Tony Guigli
Project Manager
Building Department
333 Washington Street
Brookline, MA 02445

Re: Michael Driscoll School Project
Designer Services Contract Amendment No. 16

Dear Mr. Guigli,

LeftField has reviewed Designer Contract Amendment No. 16 presented by Jonathan Levi Architects in their Fee Proposals, dated September 28, 2021, September 29, 2021, and October 5, 2021, for HVAC and Electrical Engineering Services to be performed by GGD Consulting Engineers, Inc. as outlined in their September 24, 2021 Proposal; for Geothermal Engineering Services to be performed by McPhail Associates, Inc. as outlined in their September 28, 2021 Proposal; and for Architectural Services as outlined in their October 5, 2021 Proposal, respectively. These services are for performing the required HVAC and Electrical design revisions and energy modelling updates, for the geothermal engineering revisions and construction administration necessary to incorporate the geothermal system into the project, and for architectural revisions and coordination. GGD's fee for HVAC and Electrical design revisions and energy monitoring is \$18,000.00 and JLA's associated administrative cost is \$1,800.00. McPhail's fee for the geothermal engineering revisions and construction administration is \$49,040.00 and JLA's associated administrative cost is \$4,904.00 per the Designer Contract. JLA's fee for architectural revisions and coordination is \$5,500.00.

The scope of services is required to add the geothermal system back into the project. The cost of the work aligns with the services outlined by both consultants and the anticipated timeframe of services and is below the estimated cost for these services. Therefore, LeftField recommends that the Town of Brookline accept Designer Contract Amendment No. 16 for the total of \$79,244.00.

Should you have any questions regarding this recommendation of approval, please contact me.

Sincerely,

Lynn Stapleton, AIA, LEED AP B D + C

Cc: Jim Rogers, LeftField, LLC
Jennifer Carlson, LeftField, LLC
Adam Keane, LeftField, LLC
Philip Gray, Jonathan Levi Architects

main: 617-737-6400 fax: 617-217-2001
225 franklin street, 26th floor, boston, ma 02110

owner project manager
owner representative construction audits
cost forecasting **capital budgeting**

**CONTRACT FOR DESIGNER SERVICES
AMENDMENT NO. 16**

WHEREAS, the TOWN OF BROOKLINE (“Owner”) and JONATHAN LEVI ARCHITECTS LLC. (the “Designer”) (collectively, the “Parties”) entered into a Contract on August 31, 2018, (“Contract”) for Designer Services for the New Construction of the Michael Driscoll Elementary School, Abatement and Demolition of the Existing School, Site Improvements and All Associated Work at the 64 Westbourne Terrace, Brookline, MA 02446; and

WHEREAS, the scope of this work is summarized in the attached Jonathan Levi Architects’ (JLA) Proposals, dated September 28, 2021, September 29, 2021, and October 5, 2021, for HVAC and Electrical Engineering Services to be performed by GGD Consulting Engineers, Inc. as outlined in their September 24, 2021 Proposal; for Geothermal Engineering Services to be performed by McPhail Associates, Inc. as outlined in their September 28, 2021 Proposal; and for architectural revisions and coordination by JLA, respectively; and

WHEREAS, Contract Amendment No. 2 was approved by the Town of Brookline on January 17, 2020; and

WHEREAS, Contract Amendment No. 3 was approved by the Town of Brookline on March 18, 2020; and

WHEREAS, Contract Amendment No. 4 was approved by the Town of Brookline on March 26, 2020; and

WHEREAS, Contract Amendment No. 5 was approved by the Town of Brookline on March 26, 2020; and

WHEREAS, Contract Amendment No. 6 was approved by the Town of Brookline on May 12, 2020; and

WHEREAS, Contract Amendment No. 7 was approved by the Town of Brookline on June 9, 2020; and

WHEREAS, Contract Amendment No. 8 was approved by the Town of Brookline on August 11, 2020; and

WHEREAS, Contract Amendment No. 9 was approved by the Town of Brookline on August 11, 2020; and

WHEREAS, Contract Amendment No. 10 was approved by the Town of Brookline on October 13, 2020; and

WHEREAS, Contract Amendment No. 11 was approved by the Town of Brookline on March 9, 2021; and

WHEREAS, Contract Amendment No. 12 was approved by the Town of Brookline on April 13, 2021; and

WHEREAS, Contract Amendment No. 13 was approved by the Town of Brookline on September 14, 2021; and

WHEREAS, Contract Amendment No. 14 was approved by the Town of Brookline on September 14, 2021; and

WHEREAS, Contract Amendment No. 15 is being presented for approval of the Town of Brookline on October 12, 2021; and

WHEREAS, effective as of October 12, 2021, the parties wish to amend the contract, as amended:

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained in this Amendment, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

3.D.

1. The Owner hereby authorizes this Contract Amendment No. 16 for the total value of \$79,244.00. This Amendment is based on JLA's Consultants GGD Consulting Engineers, Inc. Proposal, dated September 24, 2021, for \$18,000.00; McPhail Associates' Proposal, dated September 28, 2021 for \$49,040.00; JLA's associated administrative mark-up of 10% for \$6,704.00; and \$5,500.00 for architectural revisions and coordination by JLA. The Designer is herein authorized to commence the services outlined in this Amendment, pursuant to the terms and conditions set forth in the Contract, as amended.
2. For the performance of services required under the Contract, as amended, the Designer shall be compensated by the Owner in accordance with the following Fee for Basic Services:

Fee for Basic Services		Previous Amendments	Amount of This Amendment	Total of All Amendments
Feasibility Study/Schematic Design Phase	\$1,179,260	\$ 500	\$ 0	\$ 1,179,760
CA #2 - Design Development Phase	\$ 0	\$ 1,814,766	\$ 0	\$ 1,814,766
CA #2 - Construction Documents Phase	\$ 0	\$ 2,540,672	\$ 0	\$ 2,540,672
CA #2 - Bidding Phase	\$ 0	\$ 290,363	\$ 0	\$ 290,363
CA #2 - Construction Phase	\$ 0	\$ 2,540,672	\$ 0	\$ 2,540,672
CA #2 - Completion Phase	\$ 0	\$ 72,590	\$ 0	\$ 72,590
CA #3 - Geotechnical Engineering – Geothermal Test Well	\$ 0	\$ 117,673	\$ 0	\$ 117,673
CA #3 -Acoustical Engineering – Noise Sound Measurements	\$ 0	\$ 5,500	\$ 0	\$ 5,500
CA #4 – HAZMAT Consulting	\$ 0	\$ 138,512	\$ 0	\$ 138,512
CA #5 – Geo-Environmental & Geotechnical, Subsurface	\$ 0	\$ 340,725	\$ 0	\$ 340,725
CA #6 – Utilities – Hydrant Flow Test	\$ 0	\$ 1,375	\$ 0	\$ 1,375
CA #7 – Supplemental Geo-Engineering & Geotechnical	\$ 0	\$ 50,050	\$ 0	\$ 50,050
CA #8 – Site Surveying	\$ 0	\$ 2,750	\$ 0	\$ 2,750

3.D.

CA #9 – Supplemental Geo-environmental Engineering	\$ 0	\$ 42,900	\$ 0	\$ 42,900
CA #10–Supplemental Geo-environmental Engineering	\$ 0	\$ 19,800	\$ 0	\$ 19,800
CA #11–Supplemental Geo-environmental Engineering	\$ 0	\$ 13,200	\$ 0	\$ 13,200
CA #12–Supplemental Survey Building Height Certification	\$ 0	\$ 1,320	\$ 0	\$ 1,320
CA #13 – Solar Study	\$ 0	\$ 2,090	\$ 0	\$ 2,090
CA #14–Supplemental Geo-Environmental Engineering	\$ 0	\$ 19,800	\$ 0	\$ 19,800
CA #15–Supplemental Geo-Environmental Engineering	\$ 0	\$ 48,400	\$ 0	\$ 48,400
CA #16–Geothermal System Engineering & Construction Administration	\$ 0	\$ 0	\$ 79,244	\$ 79,244
Total Fee	\$1,179,260	\$ 8,063,658	\$ 79,244	\$ 9,322,162

This Amendment is for performing the architectural, engineering and construction administration services required to provide the geothermal system.

3. The Construction Budget shall be as follows:

Original Budget:	<u>\$ 92,909,563</u>
Amended Budget	<u>\$ 93,823,333</u>

4. The Project Schedule shall be as follows:

Original Schedule:	<u>Phase 1 Substantial Completion – 11/4/2022</u>
	<u>Phase 2 Substantial Completion – 8/31/2024</u>
Amended Schedule	<u>Phase 1 Substantial Completion – 5/31/2023</u>
	<u>Phase 2 Substantial Completion – 8/31/2024</u>

Phase 1 – New Building, Roadways and Sidewalk Work

Phase 2 – Abatement & Demolition of Existing Building, Geothermal Wells & Site Improvements

5. This Amendment contains all the terms and conditions agreed upon by the Parties as amendments to the original Contract, as amended. No other understandings or representations, oral or otherwise, regarding amendments to the original Contract, as amended, shall be deemed to exist, or bind the Parties, and all other terms and conditions of the Contract, as amended, remain in full force and effect.

3.D.

IN WITNESS WHEREOF, the Owner, with the prior approval of the Authority, and the Designer have caused this Amendment to be executed by their respective authorized officers.

OWNER:

(print name)

(print title)

By: _____
(signature)

Date: _____

DESIGNER:

Jonathan Levi

(print name)

Principal

(print title)

By: _____
(signature)

Date: October 12, 2021

28 September 2021

Mr. Jim Rogers
Principal
LEFTFIELD Project Management
225 Franklin Street, 26th Floor
Boston, MA 02110

Re: *Fee Proposal, HVAC and Elec Engineering Services for Geothermal
Driscoll School, Brookline MA*

Dear Jim,

Attached please find a proposal from GGD for HVAC and Electrical Engineering services for the geothermal system, be performed as a subconsultant to JLA .

Fee

As described in Article 4.11, 8.2, and 8.2.2 of the Contract for Designer Services, the services associated with this proposal are to be invoiced on a lump sum basis as Extra Services, plus the 10% standard markup specified in Articles 9.1 and 9.1.1.

1) HVAC and Electrical design revisions for geothermal	\$10,500
2) Meetings	\$1,500
3) Update Lifecycle Energy Model	\$2,500
4) <u>Update Building Energy Model</u>	<u>\$3,500</u>
Subtotal	\$18,000
10% markup	<u>\$1,800</u>
Total	\$19,800

Please do not hesitate to contact me if you would like us to clarify or modify our assumptions, or if there is anything represented here which does not conform to your expectations.

Sincerely,



Philip Gray
Associate Principal
Jonathan Levi Architects



GGD Consulting Engineers, Inc.

375 Faunce Corner Road, Suite D
Dartmouth, MA 02747**REQUEST FOR ADDITIONAL SERVICES**

L#77781

DATE: September 24, 2021 **ATTN:** Jonathan Levi, FAIA, Principal**TO:** Jonathan Levi Architects, Inc.**PROJECT:** Driscoll School –
Geothermal Design Revisions
Brookline, MA **PRINCIPAL:** Dominick Puniello, P.E.**GGD JOB #:** 680 018 01.00 **PROJ. MGR:** Dominick Puniello, P.E.

CLIENT TASK#

FEE BASIS: Lump Sum**ESTIMATED COST FOR CHANGES:** **\$18,000.00** (Eighteen Thousand Dollars)**DESCRIPTION OF “ADDITIONAL SERVICES” REQUIRED:**

Additional HVAC and Electrical systems engineering design and energy modeling services to be provided as follows:

TASK	ESTIMATED BUDGET
1) HVAC and Electrical design revisions to documents for geothermal heat pump system. Note: Wellfield design shall be provided by others.	\$10,500.00
2) Additional coordination and meetings with JLA & Geothermal Well Field Consultant.	\$ 1,500.00
3) Update lifecycle energy modeling, based on updated City provided Electrical cost data.	\$ 2,500.00
4) Updated CD level building energy model to reflect Geothermal Design.	\$ 3,500.00
TOTAL	<u>\$18,000.00</u>

THE ABOVE ADDITIONAL WORK WILL NOT BE STARTED UNTIL WRITTEN AUTHORIZATION IS RECEIVED.**ADDITIONAL SERVICES APPROVED BY:** _____

DATE:

CC: Mr. Philip Gray, AIA, Principal, Jonathan Levi Architects, Inc.

SEND ☒ FOR OFFICE ONLY: ☐

254/255 CODE: _____

29 September 2021

Mr. Jim Rogers
Principal
LEFTFIELD Project Management
225 Franklin Street, 26th Floor
Boston, MA 02110

Re: *Fee Proposal, Geothermal Engineering Services
Driscoll School, Brookline MA*

Dear Jim,
Attached please find a proposal from McPhail for Geothermal Engineering services to be performed as a subconsultant to JLA.

Fee

As described in Article 4.11 of the Contract for Designer Services, the services associated with this proposal are to be invoiced on a lump sum basis as Extra Services, plus the 10% standard markup specified in Articles 9.1 and 9.1.1.

Task C: Final Design	\$4,040
Task D Construction Administration	\$45,000
10% markup	\$4,904
Total	\$53,944

Please do not hesitate to contact me if you would like us to clarify or modify our assumptions, or if there is anything represented here which does not conform to your expectations.

Sincerely,



Philip Gray
Associate Principal
Jonathan Levi Architects



September 28, 2021

Jonathan Levi Architects
266 Beacon Street
Boston, MA 02116

Attention: Mr. Philip Gray

Reference: Driscoll School; Brookline, Massachusetts
Proposal for Geothermal Engineering Services
Geothermal Well Field Final Design and Construction Administration

We are pleased to present our proposal for providing final design and construction administration geothermal engineering services associated with the above-referenced project.

Background

A network of vertical closed-loop geothermal wells servicing ground source heat pumps may be installed as part of the project to heat and cool the proposed building. Currently, it is anticipated that the well field may consist of approximately 50, 900-foot deep High-Performance Geo Xchange (HPGX) (aka Rygan) closed-loop wells.

Task C: Final Design

Utilizing the information obtained from the geothermal test well that was installed in Task A, along with information of the building cooling and heating demand to be provided by the project mechanical engineer, the quantity, depth, and spacing of the geothermal wells can be determined for the Construction Documents submissions.

Accordingly, we propose to provide the following scope of services associated with the final design of the geothermal well field:

1. Final Analysis:
 - a. Perform analysis to evaluate the well field size utilizing the test well information. To perform this analysis, the mechanical engineer will need to provide the building cooling and heating demand for the 24-hour design day for each month (8760 hours) and the performance data for the proposed heat pumps.
2. Documentation:
 - a. Review and finalize specifications and drawings for inclusion in the Contract Documents which include the following: the location, spacing and depth of the geothermal wells; the size and location of the horizontal well field piping; details; and notes.
3. Meetings/Conference Calls:
 - a. Attend meetings and/or participate on conference calls with the Owner, project team, and regulatory agencies as necessary.



Jonathan Levi Architects
September 28, 2021
Page 2

The not-to-exceed fixed fee to complete Task C is **\$4,040**.

Task D: Construction Administration

It is understood that in lieu of McPhail Associates, LLC (McPhail) being retained to observe the geothermal well field construction, the Contractor is responsible for retaining a Third-Party Geothermal Inspector to observe and document that the geothermal well field is installed and tested in accordance with the requirements of the Contract Documents and applicable standards. Thus, it is recommended that McPhail be retained, at a minimum, to provide the following services during the geothermal well field bidding, installation, and commissioning:

1. Review geothermal contractor bids and provide comments on price, exclusions, assumptions, schedule, and conformance with the Contract Documents.
2. Participate in a pre-bid meeting with prospective geothermal subcontractors.
3. Review and respond to requests for information (RFIs).
4. Review and comment on geothermal submittals.
5. Prepare for and attend a pre-construction meeting.
6. Attend job meetings as required to provide consultation regarding issues and problems which may arise during the work.
7. Review the weekly construction records submitted by the Third-Party Geothermal Inspector retained by the Contractor.
8. Provide on-site monitoring during the flushing and purging of each circuit, and the hydrostatic pressure test of the whole ground heat exchanger piping and headers pipe system.
9. Prepare field reports summarizing the progress of the work and our observations of the geothermal-related construction activities, including any deviations by the Contractor from the requirements of the Contract Documents.

It is anticipated that the geothermal well field construction may require approximately 30 weeks to complete assuming a minimum of two (2) drill-rigs are used concurrently. Furthermore, it is estimated that the commissioning and system start-up will require an additional two (2) weeks to complete.

The fee for Task D would be based on a multiple of 2.5 times salary cost for technical personnel directly attributable to the project plus any subconsultants at cost plus 10 percent. Hourly billing rates will not exceed \$150.00/hour. Hourly billing rates will not exceed \$150.00/hour.

Predicated on the above and assuming no unusual construction difficulties, the estimated total fee for Task D is **\$45,000**.

3.D.



Jonathan Levi Architects
September 28, 2021
Page 3

Our total fee would be dependent upon the duration of our required presence on the site which is, of course, a function of the Contractor's progress and phasing of activities. Should our involvement be required for a greater or lesser period, the cost would be adjusted accordingly.

Our work does not include supervision or direction of the actual work of the Contractor or his employees. The Contractor should be informed that neither the presence of our field representative nor the observations of our firm shall relieve them in any way from their responsibility concerning defects discovered in their work. It is also understood that we will not be responsible for job site safety as this is the sole responsibility of the Contractor.

Fee Summary

The fees for the above Tasks are summarized as follows:

<i>Task</i>	<i>Description</i>	<i>Fee</i>
C	Final Design Phase	\$4,040
D	Construction Administration	\$45,000
Total Fee		\$49,040

We would not exceed the fees stated herein without receiving prior authorization.

Terms and Conditions

The engineer's liability for damages due to professional negligence in performing geothermal engineering services will be limited to an amount not to exceed \$1,000,000 in accordance with the terms and conditions of our policy.

Closing

We appreciate the opportunity to submit this proposal and we look forward to continuing to work with Jonathan Levi Architects and the project team on the proposed Driscoll School. To authorize our geothermal engineering services as proposed above, please sign and return a copy of this proposal.



Jonathan Levi Architects
September 28, 2021
Page 4

We trust that the above is sufficient for your present requirements. Should you have any questions, please call us.

Very truly yours,

McPHAIL ASSOCIATES, LLC

JONATHAN LEVI ARCHITECTS

A handwritten signature in blue ink, appearing to read 'Joseph G. Lombardo, Jr.', written over a horizontal line.

Joseph G. Lombardo, Jr., L.S.P.

BY _____

A handwritten signature in blue ink, appearing to read 'Jonathan W. Patch', written over a horizontal line.

Jonathan W. Patch, P.E.

DATE _____

\\McPhail-fs2\McPhail\Working
Driscoll_School_GeothermalFinalDesign&CA_092821.docx
JWP/jgl

Documents\Proposals\6693-

3.D.

5 October 2021

Mr. Jim Rogers
Principal
LEFTFIELD Project Management
225 Franklin Street, 26th Floor
Boston, MA 02110

Re: *Fee Proposal, Architectural Services for Geothermal Design Revisions
Driscoll School, Brookline MA*

Dear Jim,
Moving forward with the change to geothermal, JLA requests that the additional architectural work associated with coordination and construction document revisions be approved as additional services.

As described in Article 8.2, and 8.2.2 of the Contract for Designer Services, the services associated with this proposal are to be invoiced on a lump sum basis as Extra Services.

Fee:

Costs for additional meetings, coordination, and document revision: \$5,500

Combined with the previously submitted geothermal engineering extra service proposals for GGD and McPhail, the total fee for added design work is below the \$30,000 originally projected.

Please do not hesitate to contact me if there is anything represented here which does not conform to your expectations.

Sincerely,



Philip Gray
Senior Principal
Jonathan Levi Architects

**BROOKLINE HEALTH DEPARTMENT
M E M O R A N D U M**

To: Melvin Kleckner,
Town Administrator
Select Board

From: Patrick J Maloney
Acting Director of Public Health and Human Services

Date: November 3, 2021

Re: Request for Appropriation Transfer
Department of Public Health

Please find attached this Departments request to appropriate and transfer funds within the Health Department budget. The funds will be used to install a much needed security building access system for all Departments that occupy the Public Health center.

This expenditure will allow the Public Health Center to be open to the public and allow us better control of the Clinical/Medical use areas.

S/Pat/AppropriationTransferMemo

TOWN OF BROOKLINE

REQUEST FOR APPROPRIATION TRANSFER

DATE: 11/4/21

To the Board of Selectmen:

Authority is hereby requested for permission to make the following transfer(s) within the appropriation for the Public Health

Department Name

	ORG #	ORG NAME	OBJECT #	OBJ NAME	AMOUNT
FROM:	51005270	Substance Abuse Prog	510101	Perm Full Time	\$20,000.00
TO:	51005110	Health Administration	524010	Prof/Tech Services	\$20,000.00
FROM:	51005120	Environmental Health	510101	Perm Full Time	\$6,522.06
TO:	51005110	Health Administration	524010	Prof/Tech Services	\$6,522.06
FROM:					
TO:					
FROM:					
TO:					
FROM:					
TO:					



DEPARTMENT HEAD

NOTE: IN ADDITION TO SELECTMEN APPROVAL, THE FOLLOWING TRANSFERS REQUIRE ADVISORY COMMITTEE APPROVAL:

(1) From Capital (5A); (2) To Personnel (51); (3) Building Dept Transfers of more than \$10,000 to or from Repairs to Public Buildings (522400); (4) From the Parks & Open Space Division to any other division of DPW; and (5) From the Snow & Ice budget to any other division of DPW.

BOARD OF SELECTMEN



LAN-TEL Communications, Inc.
 1400 Providence Highway
 Building #3, Suite 3100
 Norwood, MA 02062
 Phone: 781.551.8599
 Fax: 781.551.8667
www.lan-tel.com

Date: October 22, 2021

To: Sara Gooding
 Brookline Town Hall
 Brookline, MA 02445

From: Eric Nisbet
 LAN-TEL Communications, Inc.
 781-588-0550 – Mobile
 781-680-5902 - Office
enisbet@lan-tel.com

Re: **Brookline Health Department Building Entry System Quote**

Thank you for the opportunity to present LAN-TEL Communications, Inc.'s quote to provide and install a multi-tenant building entry system for the Brookline Health Department Building. The system will be an Aiphone IXG System as suggested by Pat Maloney. This turns out to be a good choice because of function and availability. My supplier says that the parts are readily available and could be installed soon. The system as a master unit that can call different offices. A master station at that office rings and then the person can talk to the person and let them enter the building. I have attached cut sheets of the 2 main components to this quote letter.

We could begin this installation with the running of the cable early next week and get the equipment installed shortly after that. Obviously, the sooner I order the gear, the quicker we can get going. The equipment supplied will be:

1	Aiphone	IXG-DM7-HID	IP Video Entrance Station with HID Reader
1	Aiphone	SBX-IXGDM7	Stainless Steel Surface Mount Box for IXG-DM7-HID
11	Aiphone	IX-MV7-B	IP Video Master Station, SIP Compatible, with 7" Touchscreen, Black
1	Aiphone	IXGW-LC-RY20	Remote Relay Adaptor for IXG Entrance Panels
12	Cable	CAT6	CAT6 Runs for the stations

According to my supplier, this equipment is in stock at the manufacturer and can be shipped right away.

LAN-TEL's price to complete the above statement of work is:

\$26,522.06

Materials: \$ 17,022.06

Labor: \$9,500.00

3.E.

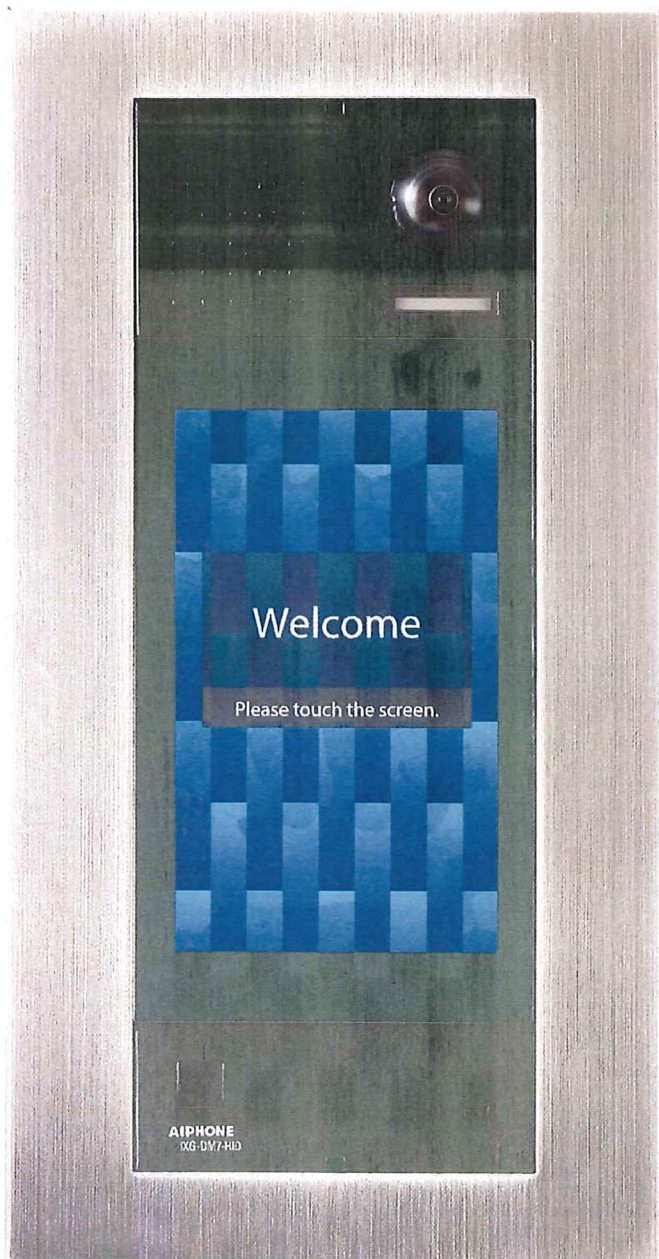
If you have any questions, please call me directly at 781-760-8505 or email me at enisbet@lan-tel.com.

Thank you,
Eric

Connecting & Protecting the Future
Structured Cabling • Integrated Security • IT Infrastructure • A/V

IXG-DM7-HID

IP Video Entrance Station

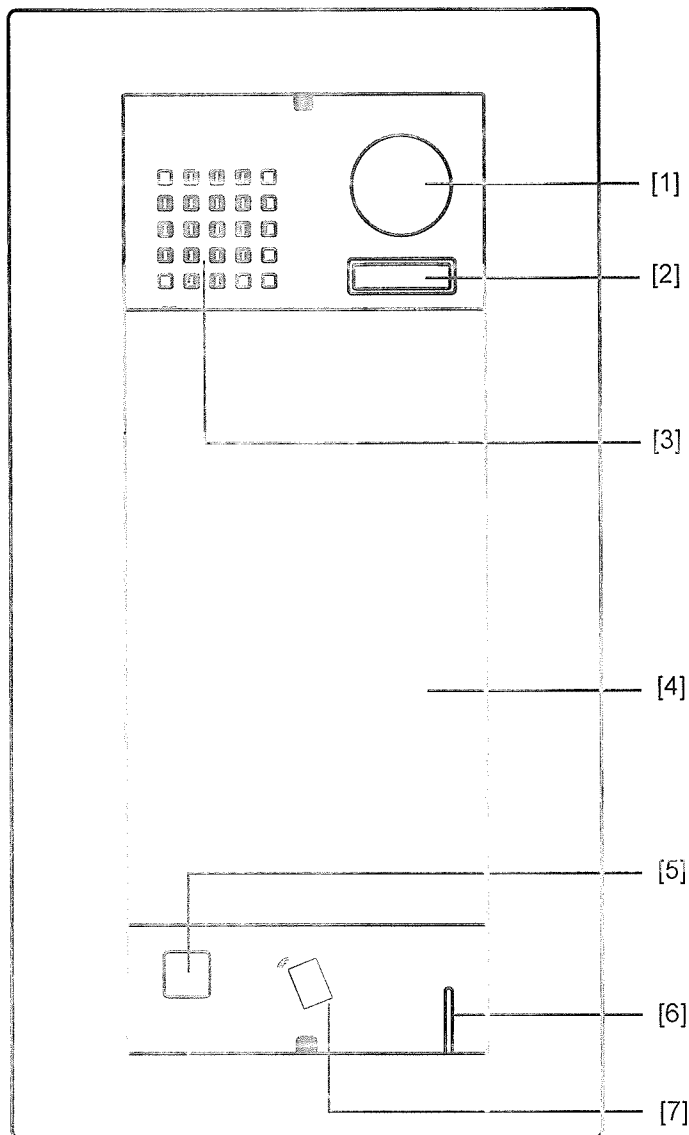


DESCRIPTION

The IXG-DM7-HID is an IP video entrance station for the IXG Series multi-tenant system. It is equipped with a 7 inch LCD directory screen that is used for calling a tenant or entering an access entry code. Up to 9,999 names/numbers can be stored in the station. A motion sensor will activate the screen when the visitor approaches. Once a call is placed, the visitor will be displayed on the tenant station or app using the 720p HD camera. The station is equipped with an HID card reader for card access. It supports Prox or iCLASS® 26 bit cards. Up to 10 entrance stations can be within a unit (i.e. interior, exterior) with multiple units allowed in the system.

FEATURES

- 7" touchscreen
- PoE compliant
- On-board recording with microSD card
- Simple user interface
- Hands-free audio communication
- 720p HD camera
- Up to 9,999 names/numbers can be stored
- Programmable contact inputs and outputs
- Motion sensor to activate LCD
- Built-in HID reader for card access
- supports 26-bit wiegand formats only
- Stainless steel panel
- Rugged IP65 and IK08 ratings

IXG-DM7-HID**IP Video Entrance Station****FEATURE CALL-OUT****FEATURE CALL-OUT DEFINITIONS**

- [1] Camera
- [2] White LED
- [3] Speaker
- [4] LCD Touch Screen
- [5] Sensor
- [6] Microphone
- [7] HID card reader

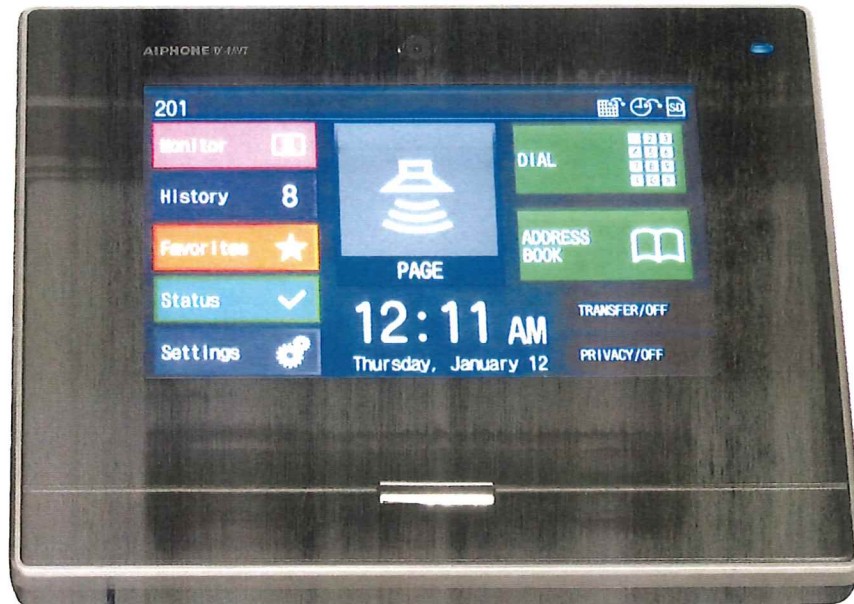
SPECIFICATIONS

Power Source:	PoE (IEEE 802.3af Class 0)
Consumption:	5.3 W Standby, 11.6 W Max.
Screen:	7" TFT LCD Display
Monitor resolution:	800 x 400
Communication:	Full-duplex
Audio Codec:	G.711(μ -law, A-law)
Video Codec:	H.264
Protocol:	IPv4/v6, TCP, UDP, SIP, HTTP, HTTPS, RTSP, RTP/RTCP, IGMP, MLD, SMTP, FTP, DHCP, NTP, DNS, TLS

Operating Temp:	-22° ~ 140°F (-30° ~ 60°C)
Dimensions:	13- ¹¹ / ₁₆ " H x 7- ³ / ₁₆ " W x 2" D

HID Reader

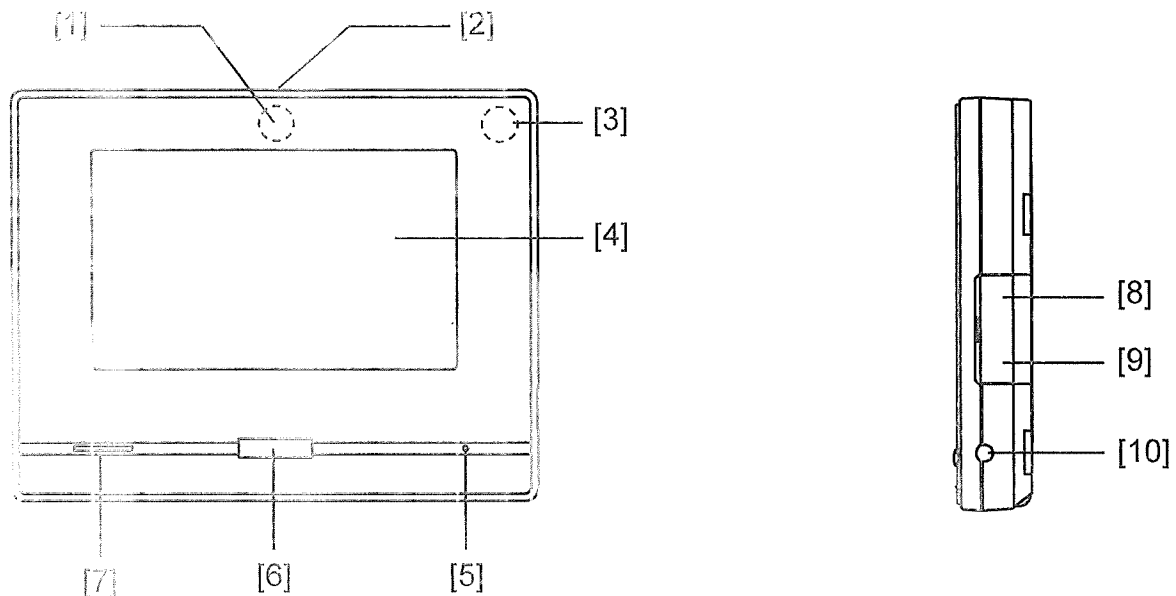
Card Types:	High Frequency (13.56 MHz) HID iCLASS, SEOS, HID iCLASS SR, HID iCLASS SE, HID MIFARE Classic, HID Mifare DES Fire EV1 Low Frequency (125 kHz) HID Proximity Bluetooth Interface (2.44 GHz) Mobile Phone with compatible Bluetooth
Card Format:	H10301 (26-bit Wiegand)

IX-MV7**Hands-free Touchscreen Master Station for the IX Series****DESCRIPTION**

The IX-MV7 is an IP hands-free master station with a 7" color touchscreen. It can be wall or desk mounted (desk stand included). It connects to a network using Cat-5e/6 cable and is SIP compliant. Audio and video of active conversations can be captured and stored on a microSD™ card. Each master station has an address book of 500 stations and can monitor a single station or scan monitor several stations within the address book. The master station offers line supervision and a scheduled device check of stations in its address book. It has the ability to page all units or groups of units and offers bell scheduling with 50 events per day. The master station has eight speed dial buttons that can be used to call, page, monitor, or control a contact closure. It has a built-in camera with privacy shutter. The master station can view a selected intercom's camera as well as an associated ONVIF Profile S camera by using the picture in picture function. It has the ability to release the door that is associated with the station that it is communicating with. Stations can be called by using the directory or by direct dialing the stations number. The master is available in black (IX-MV7-B) or white (IX-MV7-W).

FEATURES

- 7" TFT color LCD touchscreen
- Fixed color video camera with privacy shutter
- SIP 2.0 compliant
- 500 station address book
- ONVIF Profile S compliant
- Multi-angled desk stand (30°, 45°, 60°)
- Slot for microSD™ card (not provided by Aiphone)
- 802.3af PoE compliant
- 2 contact outputs, 4 trigger inputs
- 8Ω .05W speaker output
- 600Ω audio input

IX-MV7**Hands-free Touchscreen Master Station for the IX Series****FEATURE CALL-OUT:****FEATURE CALL-OUT DEFINITIONS**

- [1] Camera
- [2] Privacy mask cover (on top)
- [3] Status indicator light (orange/blue)
- [4] 7" Touchscreen (LCD)
- [5] Microphone
- [6] Home button
- [7] Speaker
- [8] Reset button (under door)
- [9] Slot for microSD card (under door)
- [10] 3.5mm stereo mini jack

SPECIFICATIONS

Power Source:	PoE (IEEE 802.3af class 0)
Power Draw:	4.32W
Camera:	1/3" CMOS 720p
Min. illumination:	5 lux
Audio Codec:	G.711 (μ-law, A-law), G.722
Video Codec:	H.264/AVC, Motion JPEG
Protocols:	IPv4, IPv6, TCP, UDP, SIP, HTTP, HTTPS, RTSP, RTP, RTCP, IGMP, MLD, SMTP, FTP, DHCP, NTP, DNS
Port Security:	IEEE 802.1X
UL Listed:	UL 62368-1 cUL 62368-1
Operating Temp:	32° ~ 104°F (0° ~ 40°C)
Dimensions:	6-3/4" H x 8-11/16" W x 1-1/4" D



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Gallentine
Commissioner

Frederick W. Russell, PE
Director

Interoffice Memorandum

To: Select Board

From: Frederick W. Russell, PE, Director of Water and Sewer

Date: November 2, 2021

Re: Contract PW/14-25 "On-call Stormwater Consultant Services"

cc: Mel Kleckner, Town Administrator
Erin Gallentine, Commissioner of Public Works

Attached for your review and approval is contract PW/14-25, "2019 Master Services Agreement, Task Order No. 2"

The scope of work of this contract is:

- Assist in compliance with EPA's MS4 (Municipal Separate Storm Sewer System) permit;
- Identify in developing procedures eligible for phosphorous control credits;
- Evaluate potential phosphorous reduction projects;
- Assist the Town with pilot studies of proprietary Best Management Practices;
- Support Illicit Discharge Detection and Elimination program;
- Develop a Phase 1 Phosphorous Control Plan;

DPW recommends approval of this contract to the Brown & Caldwell, in the amount of \$313,837

3.F.

BROWN AND CALDWELL/TOWN OF BROOKLINE
STORMWATER ON-CALL SERVICES
2019 MASTER SERVICES AGREEMENT, TASK ORDER NO. 2

BC Project Number	_____
Client Name	Town of Brookline
Client Address	333 Washington Street, Brookline, MA 02445
Effective Date of Authorization	_____

The 2016 Massachusetts Small Municipal Separate Storm Sewer Systems General Permit (MS4 Permit) requires that the Town of Brookline (Town) reduce the phosphorus load in the stormwater it discharges to the Charles River by 59 percent. The MS4 Permit specifies a schedule for achieving the reductions. In order to comply, the Town must develop a Three-Phase Phosphorus Control Plan (PCP). The First Phase of the PCP must be submitted by July 1, 2023 with the subsequent phases being submitted at 5-year intervals.

Under this Task Order, Brown and Caldwell (BC) will:

- Identify opportunities to maximize the phosphorus reduction credit that the Town is eligible for through its non-structural best management practices (BMPs)
- Assist the Town with developing the procedures and tools needed to be eligible for phosphorus reduction credits from structural BMPs constructed on private properties
- Support the Town's IDDE program by performing upstream source tracking of illicit sources
- Determine if selected ponds within the Town are providing phosphorus treatment of stormwater, and if so, determine their average annual phosphorus load reduction
- Evaluate the feasibility of using the Brookline Reservoir to provide phosphorus treatment of stormwater
- Evaluate the feasibility of the proposed underground infiltration system at the Jean Waldstein Playground
- Determine if the Town may be eligible for a phosphorus reduction credit due to the streambank stabilization work performed by the Army Corps of Engineer in the Muddy River
- Continue to evaluate the feasibility of directly treating waters from the Muddy River and/or Charles River in lieu of stormwater phosphorus reductions
- Assist the Town with a pilot study of proprietary BMPs
- Perform a funding source evaluation to evaluate the funding mechanisms needed to implement the PCP
- Identifies existing regulatory mechanisms available to the MS4 such as bylaws and ordinances, and describes any changes to regulatory mechanisms that may be necessary to effectively implement the entire PCP to comply with the legal analysis required for the MS4 permit
- Develop the Phase 1 PCP

3.F.

Upon execution of this Task Order, and effective as of the date shown above, the parties agree that Brown and Caldwell shall perform the services described below. Project management and QA/QC activities are evenly distributed throughout the project timeframe and accounted for in each task. Project management tasks include monthly invoice, coordination with the Town and project team and QA/QC by senior staff.

SCOPE OF SERVICES

Task 1. Alternative Phosphorus Credit Evaluation

The MS4 Permit provides a methodology for calculating phosphorus reduction credits for the following non-structural BMPs: street sweeping, catch basin cleaning and organic waste/leaf litter collection. The MS4 Permit has provisions that allow permittees to propose alternative approaches to quantifying the phosphorus load reductions for these non-structural BMPs. It also allows permittees request phosphorus reduction credits for other types of non-structural BMPs.

Under this Task, BC will evaluate alternative methodologies for estimating phosphorus reduction credits related to street sweeping, catch basin cleaning, storm drain cleaning, leaf litter removal and phosphorus-free fertilizers.

1.1 Alternative Street Sweeping Phosphorus Credit - BC will estimate the annual phosphorus load in street sweepings by doing the following:

- BC will collect quarterly composite samples from the Town's street sweepings. BC will send the samples (four in total) to a Massachusetts-certified laboratory for analysis of TP and organic content.
- The Town will provide BC with the pounds of street sweepings collected by month for one full year (twelve total).
- Using the TP concentrations in sweepings and the pounds of sweepings collected, BC will estimate the street sweeping annual load. BC will compare this value against the value calculated using the MS4 Permit methodology.

1.2 Alternative Catch Basin Cleaning Phosphorus Credit - BC will estimate the annual phosphorus load in catch basin cleanings and compare against the Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated (Maryland Department of the Environment, June 2020) by doing the following:

- BC will collect quarterly composite samples from the Town's catch basin cleanings. BC will send the samples to a Massachusetts-certified laboratory for analysis of TP and organic content.
- The Town will provide BC with the pounds of catch basin cleanings collected by month for one full year (twelve total).
- Using the TP concentrations in sweepings and the pounds of sweepings collected, BC will estimate the street sweeping annual load.

3.F.

- BC will estimate the phosphorus credit available according to the *Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated* (Maryland Department of the Environment, June 2020) and compare against the value developed through measurements and the value calculated using the MS4 Permit methodology.

1.3 Potential Storm Drain Cleaning Phosphorus Credit - BC will estimate the phosphorus load in the Town's storm drain sediments by doing the following:

- BC will measure the sediment depth at 60 representative storm drain manholes.
- BC will collect sediment samples from each of the 60 manholes when sediments are present and retrievable without confined space entry.
- BC will composite the sediments from 6 sites together for up to 10 samples and send to a Massachusetts-certified laboratory for analysis of TP and organic content.
- BC will use the sediment depths to estimate the sediment volume in the 60 storm drains.
- BC will estimate the TP content of the sediments using the TP concentrations.
- BC will estimate the storm drain cleaning cost and calculate the dollars spent for each pound of TP removal.
- BC will compare the measured TP concentrations in the storm drain sediments against the storm drain cleaning phosphorus credit in the *Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated* (Maryland Department of the Environment, June 2020).

1.4 Alternative Leaf Litter Collection Phosphorus Credit - BC will estimate the effectiveness of the Town's leaf litter collection programs as follows:

- BC will perform literature review of effectiveness of leaf litter collection programs in reducing phosphorus loads in stormwater
- The Town will provide BC with annual leaf litter collection in pounds/yr.
- BC will use the literature to develop an estimate of the TP removed through Brookline's leaf litter collection program.
- Assumption: BC will not perform sampling as part of this effort.

1.5 Fertilizer Phosphorus Credit Evaluation – BC will reevaluate the Town's fertilizer phosphorus reduction credit as follows:

- BC will review EPA's methodology for estimating phosphorus reduction as contained in the memorandum dated 4/25/14 from Mark Voorhees and Suzanne Warner to Permit File for Draft Small Massachusetts MS4 General Permit
- BC will research alternate approaches to calculating phosphorus reductions due to reducing the use of phosphorus-containing fertilizers.
- BC will identify opportunities to improve compliance with the phosphorus-containing fertilizer reductions (free soil testing, outreach to businesses, etc.)

3.F.

1.6 Technical Memorandum - BC will develop a TM summarizing the results of this task. If the alternative TP credits are higher than credits granted through MS4 Permit, BC will make the case in the TM for the alternative approach.

- BC will develop a draft TM summarizing the results of this task
- BC will meet with the Town in person to discuss the results
- BC will revise the draft TM based on the Town's comments and BC will deliver a final TM to the Town

Task 2. Tracking Private Property BMPs

The MS4 Permit has a methodology for calculating phosphorus reduction credits for structural BMPs constructed on private property since 2005. In order to receive this credit, the Town will be required to track information related to the BMPs and ensure that the BMPs are inspected. Under this Task, BC will assist the Town with the development of the documentation needed to be eligible for phosphorus credits resulting from BMPs on private properties.

- BC will assist the Town with the development and documentation of processes and tools for tracking phosphorus credits for private property BMPs.
- BC will assist the Town with the development of a program to document inspection of private property BMPs.

Task 3. IDDE

The Town has an illicit discharge detection and elimination (IDDE) program that has been successful at removing illicit sources from the Town's storm drain system. Illicit sources can have a high phosphorus concentration, so removing illicit sources is an important step in reducing phosphorus loads to the Charles River. While the MS4 Permit does not include a phosphorus credit for the removal of illicit sources, it is likely that EPA will issue a phosphorus reduction credit for the removal of illicit sources towards the end of Phase 1 of the PCP. Under this Task, BC will assist the Town with the identification of illicit sources through its IDDE program.

3.1. Upstream Source Tracking – BC will perform dry weather inspections of manholes in order to isolate illicit sources.

- BC will perform up to 100 dry weather manhole inspections.
- At each manhole, BC will determine if the inlet pipes have dry weather flow.
 - For pipe inlets with flow, BC will do the following:
 - Perform field test kits measurements for ammonia, surfactants, chlorine
 - Perform in-situ measurements of temperature and conductivity
 - For pipe inlets with no flow, BC will do the following:
 - Install a temporary sandbag at the pipe inlet
 - Return within 24-48 hours after the installation of the sandbag to check for the presence of water behind the sandbag

3.F.

- If water is present, BC will perform testing as described for pipe inlets with flow
 - Remove the sandbag after the observations/testing at the pipe inlet are complete
- BC will develop maps showing the results of the field tracking investigations.
- BC will identify pipes suspected of having illicit sources.
- BC will make recommendations to the Town for pipes to be CCTV'ed.

Task 4. Stormwater BMP Working Plans

BC will develop *working plans* for phosphorus-treating stormwater BMPs at the following municipal-owned sites:

- Municipal parking lots
 - Centre Street West
 - Centre Street East
 - Kent/Webster Place
 - Kent/Station Street
 - Fuller Street
 - Webster Street
 - School Street
 - John Street
 - Babcock Street
- Open space
 - Murphy Playground
 - Robinson Playground
 - Pierce School Ball Field

The working plan documents will include the following:

- Layout drawings of the stormwater BMPs and related pipes and structures
- Recommended stormwater BMP equipment (manufacturer and model number)
- Standard details and specifications for stormwater BMP equipment
- Scope document that describes the survey and geotechnical required prior to final design and construction
- Class 3 AACE Cost Estimate with expected accuracy of -10% to -20% on the low side and +10% to +30% on the high-side
- Summary of tributary area characteristics (area, percent impervious, percent directly connected impervious area, estimated average annual phosphorus load (using MA 2016 MS4 Permit, Appendix F procedures) and estimated average annual phosphorus treatment efficiency (using MA 2016 MS4 Permit, Appendix F procedures)

BC will visit and photograph the sites with Town staff.

3.F.

The Town will provide BC with GIS data and record plans of the stormwater, sewer and water infrastructure in and around the sites. BC will develop the working plans using site observations, record plans and the GIS data. If BC determines that necessary information is missing or in conflict, the Town will perform field investigations as needed to collect the missing information (e.g., measuring pipe diameters and inverts).

BC will not perform a survey or geotechnical investigations under this task; however, survey and geotechnical investigations are required to finalize the design of the stormwater BMPs. For example, survey and geotechnical investigations are required for (but not limited to) determining utility conflicts, measuring the high groundwater table elevation, evaluating the infiltration capabilities of the soils and determining the load-bearing capacity of the soils. The Town understands that the survey and geotechnical investigations are required to determine the feasibility of the stormwater BMPs and that the working plans may need to be modified based on their findings before a final design can be achieved. This task does not include updating the working plans based on the findings survey and geotechnical investigations.

In the development of the working plans, BC will assume the following:

- Infiltration BMPs
 - The soil infiltration rate will be estimated based on the hydrologic soil group as determined from the NRCS soil maps
 - The high groundwater elevation is at least 7-feet below the ground surface
- For underground infiltration chambers, the soils underlying the infiltration chambers are stable and have sufficient load-bearing capacity that soil amendments beyond the manufacturer's standard recommendations are not necessary

Additional assumptions may be needed during the development of the working plans. Under such circumstances, BC and the Town will work together to develop the assumptions and then document them in writing.

BC will conduct three review meetings with the Town during the development of the working plans. During these review meetings, BC will update the Town on the development of the working plans and solicit the Town's feedback on site layout, stormwater BMP technologies and other design-related issues.

The Town anticipates upcoming projects spearheaded by other Town departments at several of the sites including the Pierce School Ball Field, Robinson Playground and Murphy Playground. The Town desires to incorporate the stormwater BMPs into those projects. During the review meetings, the Town will update BC on these projects so that BC minimize potential conflicts between the stormwater BMPs and the project improvements.

BC will provide a draft set of working plans to the Town. BC will meet with the Town to review the working plans. BC will revise the working plans based on the Town's comments and provide the Town with the final set of working plans.

3.F.

Task 5. Natural Pond Treatment

There are ponds in the Town that may be providing phosphorus treatment of stormwater: Hall's Pond, Leverett Pond, Wards Pond and Willow Pond. If so, the Town may be eligible for a phosphorus reduction credit. Under this Task, BC will perform a desktop analysis to estimate the amount of phosphorus the ponds may be removing. If the desktop analysis indicates that the ponds have the potential to provide a significant amount of phosphorus removal, the Town may want to pursue water quality monitoring as part of a follow-on project to further evaluate the phosphorus treatment potential of the ponds.

Under this task, BC will do the following:

- BC will visit the ponds and will be accompanied by Town staff.
- BC will estimate the volume of the ponds using available data.
- BC will delineate the catchment areas for the ponds.
- BC will estimate the average annual phosphorus load to the ponds.
- BC will estimate the runoff volume for the catchment areas for various size storms using the methodology in the MS4 Permit Appendix F for calculating the runoff volumes.
- BC will determine the size storm that the ponds can retain.
- BC will estimate the phosphorus treatment efficiency of the ponds using the methodology in the MS4 Permit Appendix for wet ponds.
- BC will meet with the Town to provide an assessment of the treatment potential of the ponds. BC will make a recommendation as to whether or not the ponds have enough treatment potential to warrant further study under the Optional Task 5.2.

Task 6. Stormwater Treatment in the Brookline Reservoir

The Brookline Reservoir may be able to provide phosphorus of stormwater if stormwater could be diverted to the reservoir. Under this Task, BC will evaluate the feasibility of using the Brookline Reservoir to provide stormwater treatment.

- BC will conduct one site visit to the Brookline Reservoir with Town staff
- BC will estimate the volume of the reservoir using available data.
- BC will delineate the catchment area for the storm drains adjacent to the reservoir.
- BC will estimate the average annual phosphorus load in the storm drains adjacent to the reservoir using the EPA methodology in Appendix F of the MS4 Permit
- BC will identify other water inputs to the reservoir (streams, pipes, groundwater) and estimate flow rates using available information sources (e.g., reports, GIS data, record plans).
- BC will estimate the flow in the storm drains for various storm sizes using the runoff methodology provided in Appendix F of the MS4 Permit.
- BC will determine the size storm that the reservoir can retain.
- BC will estimate the phosphorus treatment efficiency of the reservoir using the methodology in Appendix F of the MS4 Permit.
- BC will evaluate factors that may prevent or limit diversions to the reservoir

3.F.

- Dam permit
 - BC will review the permit
 - BC will meet with Town to discuss the permit
 - BC will support the Town in discussions with permitting agency (assumed 2 meetings)
- Water quality
 - BC will evaluate current water quality conditions in the reservoir using available data.
 - BC will evaluate impacts of the potential stormwater diversion on water quality conditions using general engineering principles and available information.
 - BC will make recommendations for further study to evaluate impacts on water quality.

Task 7. Streambank stabilization

Historically, streambank erosion of the Muddy River has transported phosphorus-containing soils to the Charles River. The Army Corps of Engineering (ACOE) is undertaking a project that will help to stabilize the Muddy River's bank and reduce streambank erosion. This should reduce the phosphorus load to the Charles River.

The Town may desire to seek a phosphorus credit for the streambank stabilization of the Muddy River. While the MS4 Permit does not provide a phosphorus credit for streambank stabilization projects, a phosphorus reduction credit methodology for streambank stabilization has been developed for communities complying with the Chesapeake Bay TMDL. The MS4 Permit allows permittees to request phosphorus reduction credits for BMPs not included in the MS4 Permit. EPA may find the streambank stabilization phosphorus credit system established for the Chesapeake Bay TMDL to be acceptable also for complying with the Charles River TMDL requirements.

Under this Task, BC will estimate a streambank stabilization phosphorus credit for the Army Corps of Engineering (ACOE) Muddy River project. BC will use the phosphorus reduction credit methodology established for communities complying with the Chesapeake Bay TMDL.

- BC will meet with the ACOE to discuss the Muddy River project and request information.
- BC will review Muddy River project documents. It is assumed the ACOE will provide the project documents.
- BC and Town staff will perform a site visit to the Muddy River project area.
- BC will estimate a phosphorus credit for streambank stabilization using the procedures in the Recommendations of the *Expert Panel to Define Removal Rates for Individual Stream Restoration Projects* that was developed for communities complying with the Chesapeake Bay TMDL.

Task 8. Stream treatment of the Muddy River/Charles River

3.F.

Direct treatment of phosphorus in the Muddy River and/or Charles River may be an approach that could be used to meet the required stormwater phosphorus reduction requirements. Under this approach, water would be diverted from the river, treated off-line and then returned to the river. BC has previously reviewed this approach for the Town and found it to be cost-effective. Under this Task, BC will continue to evaluate the feasibility of treating waters directly from the Muddy River or Charles River to remove phosphorus.

- BC will identify up to 3 potential sites for treatment facilities in Brookline along with the conceptual-level infrastructure needed for conveyance and treatment.
- BC will identify potential partners that may have better land availability and an interest in stream treatment.

Task 9. Funding Source Evaluation

The MS4 Permit requires that the Town perform a funding source evaluation of the PCP.

Under this Task, BC will perform an evaluation of the Town's funding sources for the PCP. The evaluation will focus primarily on Phase 1 since the costs of Phases 2 and 3 are yet to be determined.

- BC will perform a funding source evaluation for Phase 1 of the PCP
- BC will develop a draft PCP Funding Source Evaluation TM
- BC will meet with the Town to discuss the PCP Funding Source Evaluation TM
- BC will revise the PCP Funding Source Evaluation TM based on comments from the Town.
- BC will submit a final PCP Funding Source Evaluation TM to the Town.

Task 10. Legal Analysis

The MS4 Permit requires that the Town perform a legal analysis that identifies existing the regulatory mechanisms available to the MS4 such as bylaws and ordinances, and describes any changes to regulatory mechanisms that may be necessary to effectively implement the entire PCP.

Under this Task, BC will assist the Town with meeting the legal analysis requirements of Appendix F of the MS4 Permit as follows:

- BC will review the Town's bylaws and ordinances that have relevance for the implementation of the PCP
- BC will make recommendations to bylaws and ordinances as needed to implement the PCP
- BC will develop a draft PCP Legal Analysis TM
- BC will meet with the Town to discuss the PCP Legal Analysis TM
- BC will review the PCP Legal Analysis TM based on comments from the Town
- BC will submit a final PCP Legal Analysis TM to the Town

Task 11. Phase 1 PCP

BC will develop the Town's Phase 1 PCP.

3.F.

- BC will develop the draft Phase 1 PCP
- BC will meet with the Town to discuss the Phase 1 PCP
- BC will revise the Phase 1 PCP based on the Town's comments
- BC will submit a final Phase 1 PCP to the Town

Task 12. Operations and Maintenance Support

BC will provide the Town with operations and maintenance support to comply with the requirements of the MS4 Permit. BC will compile an inventory of parks and open space, Town-owned buildings and facilities where pollutants are exposed to runoff and vehicle/equipment storage locations. At each of these locations, BC will review existing practices to minimize pollutant discharges to the Town's storm drain system. BC will determine if enhancements are needed and make recommendations as needed.

BC will review the Town's stormwater system operation and maintenance practices. BC will determine if enhancements are needed and make recommendations as needed.

BC will develop a draft TM with recommended enhancements to the Town's operation and maintenance program. BC will meet with the Town to review the TM. BC will revise the TM based on the Town's comments. BC will issue a final version of the TM to the Town.

Task 13. General Support

BC will provide the Town with general support if so requested by the Town in writing. This Task includes up to 80 hours of support time from BC staff.

3.F.

COMPENSATION

The cost ceiling for this project is \$313,837. The cost by task is show in Table 1. All costs include labor and markup.

Table 1. Cost by Task

Task	Cost
Task 1. Alternative Phosphorus Credit Evaluation	\$54,905
Task 2. Tracking Private Property BMPs	\$10,116
Task 3. IDDE	\$32,850
Task 4. Stormwater BMP Working Plans	\$70,056
Task 5. Natural Pond Treatment	\$5,791
Task 6. Stormwater Treatment in the Brookline Reservoir	\$15,852
Task 7. Streambank stabilization	\$19,477
Task 8. Stream treatment of the Muddy River/Charles River	\$4,659
Task 9. Funding Source Evaluation	\$10,764
Task 10. Legal Analysis	\$10,567
Task 11. Phase 1 PCP	\$29,793
Task 12. Operations and Maintenance Support	\$31,827
Task 13. General Support	\$17,180
Total	\$313,837

SCHEDULE

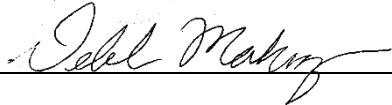
BC will complete the work for all of the base tasks by October 1, 2022.

GENERAL TERMS AND CONDITIONS

BC's services shall be governed by the Master Services Agreement dated January 15, 2019 together with this Task Order.

3.F.

BROWN AND CALDWELL

Signature 

Title Principal

Date 9/16/2021

TOWN OF BROOKLINE

Signature _____

Signature _____

Signature _____

Signature _____

Signature _____

Date _____

TOWN OF BROOKLINE

CONTRACT CODING APPROVAL FORM

DEPARTMENT: DPW/Water & Sewer capital

Prepared by: FWR

Vendor Name: Brown & Caldwell

Vendor # 21642

Contract Name: On-call Stormwater Consultant Services

Contract # PW/14-25 Amount of

Purpose of Contract/Description*

Contract \$313,837

2019 Master Services Agreement, Task Order No. 2

CODING

Org #	Org Name	Acct #	Acct Name	Amount
4918K152	Stormwater Imp	6C0045		\$ 80,576.76
4921K152	Stormwater Imp	6C0045		\$ 233,260.24
				\$ -
				\$ -
				\$ -
				\$ 313,837.00

*For "K" or "C" accounts, please call it "CIP", precede by your Dept (e.g., 4909K001 would be "DPW CIP")

Department Head Erin Gallentine

Date 11/2/21

Comptroller and Purchasing Approvals

Funds Available/Codes Correct

Comptroller

Date Approved by Comptroller

Complies with Appropriate Procurement Law
MGL ch 149, ch 30 30M, or ch 30B

Purchasing

Date Approved by Purchasing

One Day Temporary Alcohol license

Applicant: Karen Hasenfus
DBA: Larz Anderson Auto Museum
Location: 15 Newton Street

Application Details:

A Temporary Wine and Malt Beverages Non Sales License to The Larz Anderson Auto Museum to be held on November 16, 2021 for Luncheon Presentation 12:00PM – 3:00PM at 15 Newton Street. 50 people expected to attend.

Report:

Police Department (Approve)



MARK P. MORGAN
ACTING CHIEF OF POLICE

BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

TO: Acting Chief Mark P. Morgan
Dep. Supt. Richard Allen

FROM: Lt. Michael P. Murphy #31

DATE: 2 November 2021

RE: Temporary Wine and Malt Beverage – One Day Permit – Non-Sales – 11/16/2021
Larz Anderson Auto Museum

Sir,

The Larz Anderson Auto Museum, through Operations and Events Manager Karen Hasenfus, has applied for a Section 14 One Day Permit for a Wine & Malt Beverage license for a Luncheon Presentation to be held on Tuesday, November 16th, 2021, from 12:00 PM to 3:00 PM.

Ms. Karen Hasenfus and/or Ms. Sylvia Passley-Harris will be the responsible managers on site for this event and will ensure compliance with all applicable federal, state, and local laws, regulations, ordinances, and any conditions on the permit, as well as previously discussed conditions.

The event is not open to the public, no admission fee will be charged, and guests will not be charged for alcoholic beverages. Organizers are expecting no more than 50 guests to attend. A Crowd Manager Certificate has been submitted.

All alcoholic beverages at this event will be served by bartenders provided by Johnny Burke Catering, (617) 312-1408, who employs certified Tips bartenders. The caterer has submitted a copy of their bartender certification in the safe service of alcohol. A copy of caterer's Certificate of Liability Insurance specifically naming the Town of Brookline as a holder of the certificate has been submitted.

A uniformed police detail officer will be assigned to provide security and to manage traffic issues if they arise. Detail Sgt. Heavey was notified of the application.

I see no reason to oppose this application.

Respectfully submitted
Lt. Michael P. Murphy #31



OFFICE OF THE SELECT BOARD

MEMORANDUM

TO: Mark Morgan, Acting Chief of Police
FROM: Melvin Kleckner, Town Administrator
RE: Temporary - One Day Alcohol License
DATE: October 27, 2021

May we please have a report on the attached request for:

A Temporary **Wine and Malt** Beverages Non Sales License to The Larz Anderson Auto Museum to be held on November 16, 2021 for Luncheon Presentation 12:00PM – 3:00PM at 15 Newton Street. 50 people expected to attend.

This application will go before the Board on **November 9, 2021**. May we please have the report no later than **November 2, 2021**.

Thank you.

TOWN OF BROOKLINE
APPLICATION FOR A PERMIT TO SERVE ALCOHOLIC BEVERAGES ON
TOWN PROPERTY (NON SALES /WINE & BEER ONLY)

Date October 27, 2021

I hereby make application for a PERMIT TO SERVE ALCOHOLIC BEVERAGES ON TOWN PROPERTY at a

Luncheon Presentation
 (state whether a meeting, banquet, concert, picnic, wedding, etc.)

Which is to be held at the Larz Anderson Auto Museum
 (Name of Person of Organization)

15 Newton Street , Brookline MA 02445
 (Address of Person of Organization)

On the 16th day of November, 2021

Between the hours of 12:00 PM—3:00 PM at the following described Town property:

The Larz Anderson Auto Museum

If the applicant is an organization, complete name and address of the organization's officers:

Name: Northrup Knox Title: President Address: 699 High Street Dedham

Name: William Keeney Title: Vice President Address: 2221 Washington St. Newton

Name: Mark Daniel Title: Treasure Address: 35 Priscilla Lane Quincy

NOTE: If the answer to Questions 4, 5, 6 or 7 is yes, you do not qualify for a non-sales permit and you should seek instead a special license to sell alcohol.

1) How many cases or barrels, etc. of each type of alcoholic beverage will be made available to guests?

2 cases each wine and beer

2) What is the maximum number of people to attend? 50

3) What is the age group of people to attend? 65

4) Are you charging an admission fee? NO

5) Are you charging for alcoholic beverages? NO

6) Is the event open to the public? NO

7) Are tickets to the event available for purchase? NO

3.G.

8) How will alcoholic beverages be dispensed or served and by whom? Please state the names, addresses of all person(s) serving alcoholic beverages.

Bartender will be provided Johnny Burke Catering (617.312.1408)

9) State whether or not the person(s) dispensing or serving alcohol received TIPS certification or equivalent safe-service of alcohol training and the date(s) of any such certification or training and attach documentation pertaining to such certification or training:

Bartenders are all certified and insured

10) If any attending are under age 21, what method will be used to check ID and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Bartenders will check ID's

11) Will a police detail or other types of security be provided? YES

If "YES" what type and how many? Brookline Police detail

12) Please state the name, address, age and 24-hour contact information of the individual (who must be at least 21 years of age) who will be physically present at the event and who will ensure compliance with all applicable federal, state and local laws, regulations, ordinances and any conditions on the permit and who will ensure the maintenance of order and decorum:

Sylvia Passley Harris	Clyde St.	Brookline MA	05/26/1955
Karen Hasenfus	74 Main Street	Medfield MA	09/29/1954
(Name)	(Address)		(Date of Birth)

Telephone number: (617) 522-6547 (617) 283-7265

Email Address: khasenfus@larzanderson.org feonapassley@hotmail.com

This application must be accompanied by proof that the applicant has secured, and there is in effect during the period of time for which the permit is sought, a general liability policy naming the Town as the additional insured or if the general liability policy exempts alcohol related incidents or occurrences a liquor liability policy naming the Town as an additional insured.

By signing this application, the applicant absolves the Town and its officials, officers, employees, agents and representatives from all liability in connection with the applicant's use of Town property. By signing this application, the applicant agrees to indemnify the Town for any damage to the Town's personal and real property resulting from the applicant's use of Town property and agrees to indemnify the Town for any expenses the Town incurs in restoring Town property to its condition prior to use (in excess of any routine cleaning and maintenance service the Town would ordinarily have performed irrespective of the use.



Signature

Name Printed

Title (if on the behalf of an Organization)

Address

Telephone number(s)

Email address(es)

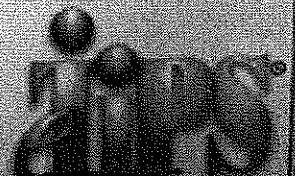
Certificate of Completion

This Certificate of Completion of
eTIPS Concessions 3.0
For coursework completed on September 2, 2021
provided by Health Communications, Inc.
is hereby granted to:

Crista Graves

Certification to be sent to:

**Johnny Burke Catering
35 Waterston Ave Apt 17
Quincy MA, 02170-3402 USA**





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/19/21

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Everett & Sons Ins. Agency 76 Weston Street Waltham, MA 02453	CONTACT NAME: PHONE (A/C, No, Ext): 781-893-0885 FAX (A/C, No): 781-893-1489 E-MAIL ADDRESS: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: Nautilus Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B: Illinios Union Ins Co</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Nautilus Insurance Company		INSURER B: Illinios Union Ins Co		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Nautilus Insurance Company															
INSURER B: Illinios Union Ins Co															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															
INSURED Stork Meals LLC Attn: John Burke 168 Spring St West Roxbury, MA 02132															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY	Y		NN1040559	11/11/21	11/11/22	EACH OCCURRENCE \$ 1,000,000
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:						GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO						BODILY INJURY (Per person) \$
	OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/>						BODILY INJURY (Per accident) \$
	HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/>						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED <input type="checkbox"/> RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N		N/A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability	Y		LQRMAF145709504-003	12/06/20	12/06/21	Each Occurrence 1,000,000 General Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Catering Services

For an event to take place at the Larz Anderson Auto Museum on Tuesday, November 16, 2021

CERTIFICATE HOLDER

CANCELLATION

TOWN OF BROOKLINE
333 WASHINGTON STREET
BROOKLINE, MA 02445

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CURT EVERETT JR

Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Mon 11/1/2021 8:57 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	Sara Petras
Address	[REDACTED]
Home Phone	[REDACTED]
[REDACTED]	61 [REDACTED]
Email	sara@cadeauboston.com
Application for specific Board/Commission?	Brookline Village Parking Benefit District Advisory Board
What type of experience can you offer this Board/Commission?	Brookline Village Business Owner - I'm deeply invested and interested in creating a charming and welcoming center within the village
What type of issue would you like to see this Board/Commission address?	better connectivity to landlords on how to attract meaningful tenants for storefronts, ideas on how to unite current tenants
Are you involved in any other Town activities?	no
Do you have time constraints that would limit your ability to attend one to two meetings a month?	no
IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)	Boston Mag.page 2.jpg

Email not displaying correctly? [View it in your browser.](#)

[EXTERNAL EMAIL] [CAUTION] This email originated from a sender outside of the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.



AFTER A YEAR AND A HALF of what can only be described as a free fall for Boston's retail community, a bright new light is shining in Brookline Village: Cadeau Boutique and Gallery, a stylish, gift-centric specialty boutique that wants you to rediscover the joys of in-person shopping.

Founder Sara Petras has spent more than a decade honing her vision for the store. Following 12 years as manager and co-buyer for Chestnut Hill's popular Portobello Road (which closed its doors last year), the Massachusetts native and MassArt alum decided to take the plunge and open her own boutique. "I really enjoyed working at Portobello Road, and I think we would have continued had we not had this pandemic pause," Petras says. But for some time, she explains, she's

Sara Petras puts the finishing touches on a colorful display at Cadeau.

wanted to do something much more pared-down, and specifically geared toward gifting.

An intimate and inviting space on Washington Street, Cadeau is indeed the kind of place where you can always find something special, whether it's for someone else or yourself. Think of it as a high-end curio shop—one that stocks funky John Derian découpage postcards, cut-to-order Pierre-Louis Mascia silk scarves, hand-dyed cashmere sweaters from Italy, and one-of-a-kind pottery. There's also an emphasis on the greatest gift of all, jewelry. But not just any

jewelry: "To show in my store, pieces need to be hand-forged," Petras says. "It's very important to me to keep the art alive."

Opening any brick-and-mortar shop during a pandemic is a bold move, of course, but Petras is confident that her highly curated assortment of treasures—many of which are difficult, if not impossible, to find elsewhere in the area—is just right to bring in crowds. "When you walk in, you'll see \$15 gifts, but you'll also see \$1,000 gifts," Petras says. "I want to be the go-to place for the neighborhood for every occasion."



1



2



3

THINGS WE LOVE

1 .925 Suneera "Nan" pendant, \$680.

2 Rene Escobar bangles, price upon request.

3 Scosha earrings, \$1,450.

Online Form Submittal: Board/Commission Application Form

notifications@brooklinema.gov <notifications@brooklinema.gov>

Tue 11/2/2021 1:53 PM

To: Devon Fields <dfields@brooklinema.gov>; Ben Vivante <bvivante@brooklinema.gov>

Board/Commission Application Form

Please use this form to apply for one of the [open Board/Commission positions](#). We welcome your application and will respond to you quickly.

Name	Jamie Siracusa
Address	[REDACTED]
Home Phone	[REDACTED]
[REDACTED]	[REDACTED]
Email	brothersandsisterscompany@gmail.com
Application for specific Board/Commission?	Brookline Village Parking Benefits Advisory Board
What type of experience can you offer this Board/Commission?	I am the owner of Brothers & Sisters Co. Coffeehouse on Station Street. I am in the village every day and have direct contact with many residents/other business members/and others. I think I could offer a great perspective on what our area could use more of, and what the needs of the community are!
What type of issue would you like to see this Board/Commission address?	I'd like to see improvements to our area with the parking revenue. I am open to ideas and feel like I also have potential options to offer!
Are you involved in any other Town activities?	I have participated in some community initiatives like Brookline's "First Light" and things of that sort!
Do you have time constraints that would limit your ability to attend one to two meetings a month?	None!
IF RELEVANT, YOU CAN ATTACH OTHER MATERIALS (RESUME, NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLE, ETC.)	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

[EXTERNAL EMAIL] [CAUTION] This email originated from a sender outside of the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The background image shows a close-up of a laboratory petri dish. A glass pipette is positioned over the dish, with a single drop of yellow liquid about to fall into it. The dish contains a clear liquid, and the background is a soft-focus view of a laboratory with green plants and bright lights.

LIFE SCIENCES SUBCOMMITTEE: PRESENTATION ON DEVELOPMENT OPPORTUNITIES IN BROOKLINE

ECONOMIC DEVELOPMENT ADVISORY BOARD (EDAB) PRESENTATION & PUBLIC HEARING

SEPTEMBER 29, 2021

SUBCOMMITTEE CHARGE AND STUDY PROCESS

- Investigate/evaluate the addition of Research and Development and/or Laboratory Life Science as a use under the Brookline Zoning By-Law
 - Research market, public health and safety, zoning, licensing, financial, design, infrastructure and community impacts/acceptance
 - Report to Select Board and Town Administrator
- Subcommittee has held 14 public meetings and this public hearing
 - Met with developers, brokers, and peer municipal officials, as well as Town staff from multiple departments and resident professionals
 - Investigated the regulatory and other best practices of municipalities with well-established operations (e.g., Boston and Cambridge) or emerging as active (e.g., Somerville, Newton and Watertown).

WHAT THE REPORT AND THIS HEARING ARE NOT ABOUT

- This report is broad, looks at Brookline as a whole and primarily makes Town-wide recommendations
 - This report is not about 10 Brookline Place, though that potential project is specifically mentioned
- Recommendations primarily focus on process to develop appropriate regulatory and zoning regimes to enable Brookline to be considered as a possible location for Life Science facilities
 -

DRAFT SUMMARY CONCLUSIONS

- Boston area life science market is and will continue to be strong
- Brookline is locationally well positioned to participate in the life science market but the number of viable sites is limited
- Brookline currently lacks appropriate zoning and public health regulatory infrastructure
- New zoning use and appropriate regulatory framework should be presented to Town Meeting in Fall 2022
 - Special Permit required; Limit to BSL 1 and BSL 2
- A 10 Brookline Place study committee should be formed and operating by January 2022
- The FY23 budget should provide funding for corridor studies to further explore opportunities, especially Chestnut Hill West
- Net fiscal impacts are expected to exceed traditional office and hotel uses. Traffic and parking impacts are expected to be substantially less than medical office. Design requirements are unique but specific project features could be substantially consistent with Brookline's sustainability goals/requirements.

MARKET OVERVIEW

- Boston area is a global leader in life sciences
 - World-class educational facilities, and medical facilities, combined with existing critical mass of corporations and research capacity are expected to keep area at the forefront of global life science industry
 - National leader in capital flows from the government (NIH), private capital markets (venture capital) and public capital market funding
- Life science activity drives a very robust and growing market for life science facilities
 - Historically centered in Kendall Square and Longwood Medical Area
 - Strong and increasing growth in Fenway/Kenmore, Seaport, Watertown, Allston-Brighton, Somerville, Newton, South End, Waltham and Lexington
- Combination of existing infrastructure and 'permanent' institutional base (schools and hospitals) supports long-term positive outlook

BROOKLINE IN THE MARKET

- Brookline 's unique location makes it a highly desirable sub-market for tenants and developers
 - Specific positive attributes are proximity to the LMA, access to public transportation, and municipal services/amenities
- Brookline's ability to capitalize on its positives has obstacles
 - Limited number of developable parcels
- Current lack of appropriate regulatory framework to provide predictable path for users/developers
 - Zoning
 - Public health
- Brookline at present rated Bronze (lowest category) by Massachusetts Biotechnology Council

SPECIFIC RECOMMENDATIONS AND TIME FRAME

- New zoning use should be proposed to Town Meeting in the Fall of 2022
- Research and Development Laboratory definition should encompass a broad range of possible uses including but not limited to:
 - life sciences, biotechnology, biomedical research, robotics, medical devices, or photonics, engineering, scientific, technology, computer science, and similar “21st century industries.”.
- Bioscience uses would be limited to Biosafety Levels (BSL) 1 and 2 as defined by the CDC
- Use would be allowed ONLY by special permit in major commercial corridors in Brookline (General business, Office, Industrial and GMR zones and the Emerald Isle Special Overlay District
 - Due to dimensional limitations under present zoning, modified zoning provisions would likely be needed to be adopted by Town Meeting for any such development or redevelopment to proceed.

SPECIFIC RECOMMENDATIONS AND TIME FRAME (CONT.)

- A new Bio-Safety public health general by law should be offered to Town Meeting for approval in the Fall of 2022. The proposed by-law should:
 - Establish a framework for Town oversight, licensing, and monitoring of public health and safety aspects of life science laboratory operations.
 - Establish a Brookline Biosafety Advisory Council
 - Allow animal research using lab-bred mice and rats and other non- warm-blooded animal species and should not allow research using warm-blooded animals including “nonhuman primates
 - Create a Town oversight program (consistent with Federal and State guidelines)
 - Create a registration process for BSL 1 Laboratories and licensing for BSL 2 Laboratories.

SPECIFIC RECOMMENDATIONS AND TIME FRAME (CONT.)

- There are certain site/opportunity specific steps that should also be undertaken in the near future
 - The creation and commencement of a 10 Brookline Place Study Committee should occur by January 2022
 - Committee would negotiate the parameters for the redevelopment of this site for laboratory use with the property owner
- A series of sequential corridor zoning studies, beginning in fiscal year 2023 and starting with the Chestnut Hill West district, should be funded and incorporated into the FY23 budget.
- The Select Board, the Town Administrator and the Planning Department should continuously pursue opportunities identified in the 2019 Major Parcel Study, with focus on large non-profit owned properties with commercial redevelopment potential.

POTENTIAL COMMUNITY IMPACTS

■ **FISCAL:**

- Given high market rents and asset valuations, a life science development can be expected to produce tax revenue well in excess of traditional office and even hotel uses
- The constant risk of properties going into the hands of ownership by tax-exempt Institutions should be mitigated by a tax certainty agreement in exchange for sufficient zoning
- Life science facilities a range of potential employment opportunities for local residents

■ **OPERATIONAL:**

- Life science facilities generally have less density (persons per square foot of space) which translates into reduced parking needs and lighter impact on traffic during peak hours
- Life science facilities operate at hours beyond traditional 9-5, further reducing peak hour traffic and potentially benefiting evening commerce/area vitality

■ **DESIGN:**

- Tall floor to ceiling heights and rooftop penthouses needed to accommodate oversized mechanical equipment requiring noise insulation.
- Alignment with Brookline's Sustainability Commitments

ECONOMIC DEVELOPMENT ADVISORY BOARD

SUMMARY CONCLUSIONS OF LIFE SCIENCES SUBCOMMITTEE ON DEVELOPMENT OPPORTUNITIES IN BROOKLINE

SUMMARY CONCLUSIONS AND ACTION STEPS

- Boston area life science market is and will continue to be strong
- Brookline is locationally well positioned to participate in the life science market but the number of viable sites is limited
- Brookline currently lacks appropriate zoning and public health regulatory infrastructure
- Select Board should direct TA and appropriate departments to propose new zoning use and appropriate regulatory framework by-law to Town Meeting in Fall 2022
- Research and Development Laboratory definition should encompass a broad range of possible uses
 - Including life sciences, biotechnology, biomedical research, robotics, medical devices, or photonics
- Bioscience uses would be limited to Biosafety Levels (BSL) 1 and 2 as defined by the CDC
- Use would be allowed ONLY by special permit in Brookline's general business, office, industrial and GMR zones and the Emerald Isle SOD
 - Due to dimensional limitations under present zoning, modified zoning provisions would likely be needed to be adopted by Town Meeting for any such development or redevelopment to proceed.

SUMMARY CONCLUSIONS AND ACTION STEPS (CONT.)

- The proposed Bio-Safety public health general by -law should:
 - Establish a framework for Town oversight, licensing, and monitoring of public health and safety aspects of life science laboratory operations.
 - Establish a Brookline Biosafety Advisory Council
 - Allow animal research using lab-bred mice and rats and other non- warm-blooded animal species and should not allow research using warm-blooded animals including “nonhuman primates
 - Create a Town oversight program (consistent with Federal and State guidelines)
 - Create a registration process for BSL 1 Laboratories and licensing for BSL 2 Laboratories.
- A 10 Brookline Place study committee should be formed and operating by January 2022
- The FY23 budget should provide funding for corridor studies to further explore opportunities, especially Chestnut Hill West
- Net fiscal impacts should exceed traditional office and hotel uses. Traffic and parking impacts are expected to be substantially less than medical office. Design requirements are unique but specific project features could be substantially consistent with Brookline’s sustainability goals/requirements.

Laboratory and Bio/Life Sciences
Subcommittee
Economic Development Advisory Board
Brookline, Massachusetts

OCTOBER 4, 2021

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EXECUTIVE SUMMARY

The Boston metropolitan area is among the world's leaders in life sciences. Institutions and corporations in the Boston area continue to lead the nation in governmental (NIH), private venture capital, and public capital market funding. This strong flow of funds, which is projected to strengthen and continue, is driving a robust market in laboratory/life science space: 24.4 million square feet of existing space¹, a vacancy rate of 3.7%², 4.0 million square feet of new space under construction, and an additional 20 million square feet of proposed developments.³ While Kendall Square remains the epicenter of the life science industry, the market for life science space has spread to the Seaport, Watertown, Allston, as well as the Fenway and Newton.

Brookline, due to its location near the Longwood Medical Area ("LMA"), its access to public transportation, amenities, and highly educated residents, is well positioned to participate in the future growth of the life sciences market. The opportunities to realize that potential, however, are currently limited given the Town's lack of appropriate zoning and health/safety oversight framework, and the small number of locations in Brookline of appropriate size to host significant laboratory/life sciences development.

It is within this context that in February 2021 the Economic Development Advisory Board (EDAB) established a Laboratory and Bio/Life Sciences Subcommittee (the Subcommittee) to study this property type and develop recommendations regarding this use as part of the Town of Brookline's economic development strategy.

¹ LIFE SCIENCES ON THE RISE, NORTH AMERICA, by Cushman & Wakefield, page 20.

² LIFE SCIENCES ON THE RISE, NORTH AMERICA, by Cushman & Wakefield, page 20.

³ LIFE SCIENCES MARKET REPORT/FIRST QUARTER 2021, GREATER BOSTON, Avison Young, page 1.

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This report is directed to the Select Board and Town Administrator. This report includes an implementation plan for its recommendations, which will involve the Advisory Committee and Planning Board, who are accordingly copied along with senior Town staff.

FINDINGS

The Subcommittee's key findings, discussed more fully in the following sections of this report, are as follows:

- I. Opportunities do exist at a limited number of locations in Brookline for the development of laboratory/life science space.
- II. Potential laboratory/life science developments would have a positive net impact on the Town of Brookline's financial position.
- III. Laboratory/life science developments can support and strengthen the Town's retail, restaurant and hospitality, and commercial business communities.
- IV. Based on our recommended public health regulatory concepts, potential laboratory/life science developments would not pose a material risk to the public's health and safety.
- V. The following are the specific steps necessary, along with a recommended time frame for their execution, for the Town to make Brookline "laboratory/life science ready" in order to realize these development opportunities.
 - a. Establishment of new zoning provisions allowing for Research and Development Laboratory uses, including but not limited to a broad range of biotechnology, medical, engineering, scientific, technology, and similar "21st century industries." (Fall 2022 Town Meeting.) These newly defined uses would be allowed by special permit in major commercial corridors in Brookline. Due to dimensional limitations under present zoning, modified zoning provisions would likely be needed to be adopted by Town Meeting for any such development or redevelopment to proceed. We recommend the Select Board direct the Town Administrator, Town Counsel's office and the Planning Department to put

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forward a warrant article in the fall of 2022, incorporating the zoning provisions outlined in this report.

- b. Those laboratory facilities that constitute microbiological and biomedical laboratories would be limited to Biosafety Levels 1 and 2 as defined by the CDC,⁴ a position supported by Brookline’s Director of Public Health, Dr. Swannie Jett.
- c. Establishment, under a new Brookline general by-law (Fall 2022 Town Meeting), of a framework for Town oversight, licensing, and monitoring of public health and safety aspects of life science laboratory operations. Such a by-law would include establishment of a Brookline Biosafety Advisory Council comprised of Town officials and community resident members with appropriate bioscience and medical expertise. We recommend the Select Board direct the Town Administrator, Town Counsel’s office and the Department of Public Health to put forward a warrant article in the fall of 2022, incorporating the framework referenced in this report.
- d. Impanel a 10 Brookline Place Study Committee by January 2022 to negotiate with the 10 Brookline Place site’s owner parameters for the redevelopment of this property for laboratory uses.
- e. Funding for a series of sequential corridor zoning studies, beginning in fiscal year 2023 starting with the Chestnut Hill West district, to identify site-specific zoning parameters needing modification to support development of research laboratory and other uses. This Subcommittee has identified the Chestnut Hill Office Park as a second potentially suitable research laboratory site.
- f. Continuously pursue opportunities identified in the 2019 [Major Parcel Study](#), with particular focus on large non-profit owned properties with commercial redevelopment potential.

SECTION 2: COMMITTEE CHARGE AND STUDY PROCESS

Established in February 2021 by the Economic Development Advisory Board, to investigate and evaluate the addition of Research and Development and/or Laboratory Life Science and other

⁴ [Biosafety In Microbiological and Biomedical Laboratories, 6th Edition, Centers for Disease Control.](#)

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related uses to the Brookline Zoning By-Law beyond the present GMR district at Brookline Place.

The Subcommittee's full charge, member biographies, and a full list of resources consulted by the Subcommittee can be found in [Appendix 2](#).

SECTION 3: WHAT DO LIFE SCIENCE/RESEARCH AND DEVELOPMENT BUILDINGS LOOK LIKE?

Life Science and Research and Development facilities are hard to distinguish from other commercial developments when viewed from the street. From the exterior, they typically look like a modern office complex. Their most distinguishing feature is a large mechanical penthouse that can range from twenty up to thirty-five feet in height, which; because of setbacks from the building's edge, are typically not visible when looking-up from the ground. Their second distinguishing feature is a greater floor to ceiling height than a typical office building (about 15 feet versus 12 feet), which results in there being fewer floors for a given building height: not something the casual observer would notice.

In the Boston metro area, both life science and research and development properties are currently operating adjacent to residential developments and several life science projects in varying stages of the planning and construction process are components in larger mixed-use (residential and commercial) developments.

Following are selected examples of life science research and development facilities.

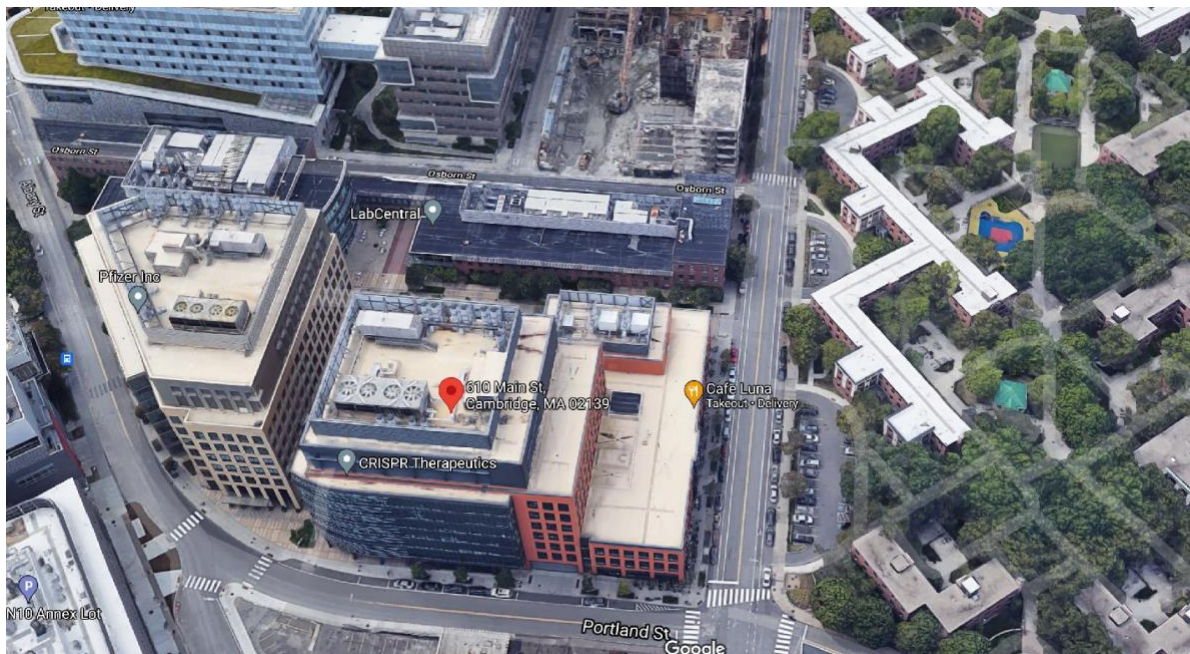
EXISTING LIFE SCIENCE/RESEARCH & DEVELOPMENT PROJECTS

OSBORNE TRIANGLE

**610 & 700 Main Street, 1 Portland Street
Cambridge, MA**

A laboratory/office property totaling +/-680,000 square foot. Anchor life science tenants include Pfizer, Novartis, and Lab Central. Located on the edge of Kendall Square, the property is directly across Main Street from the Newtowne Court housing complex.

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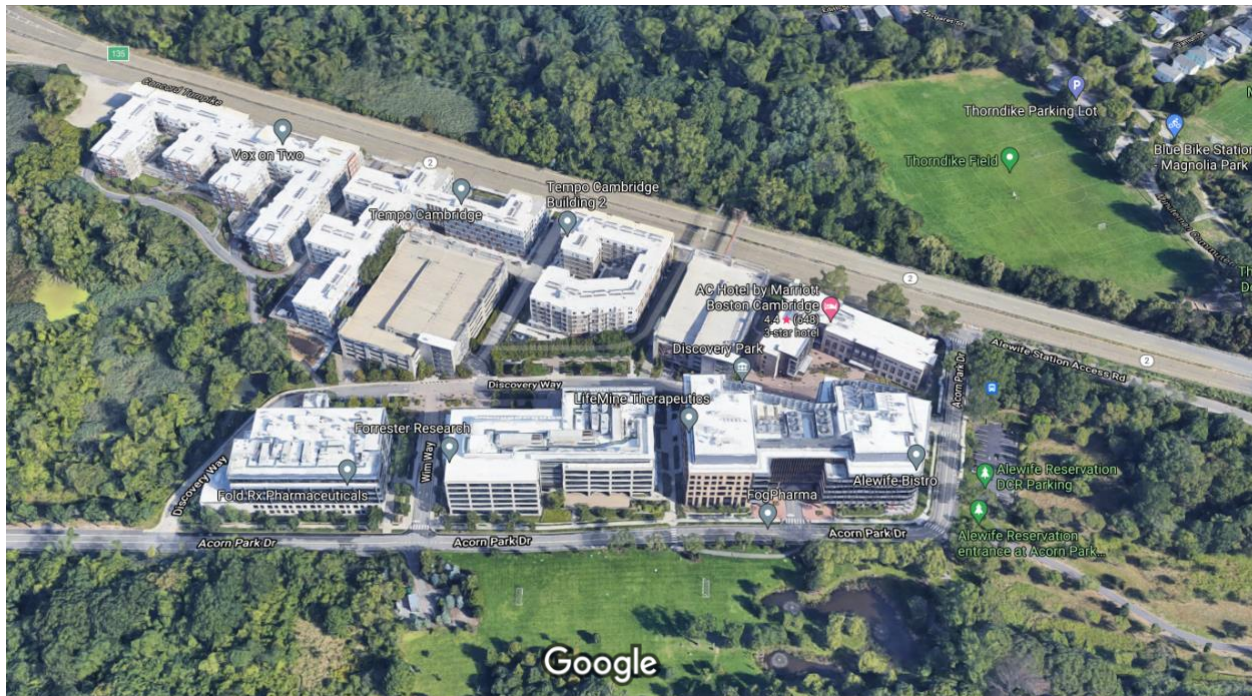


Subcommittee Report – 10/04/21**CAMBRIDGE DISCOVERY PARK****20-100 Acorn Park Drive****Cambridge, MA**

A 610,000 square foot laboratory/office property. Anchor life science tenants include Fog Pharma, Genocera Biosciences, and Senda Biosciences. Located close to the MBTA Alewife Redline stop, these three buildings abut a hotel and multiple residential buildings including Vox on Two and Tempo Cambridge.



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UNDER CONSTRUCTION

201 Brookline Ave (part of the Landmark Center redevelopment, site of the former Blick Art Store).

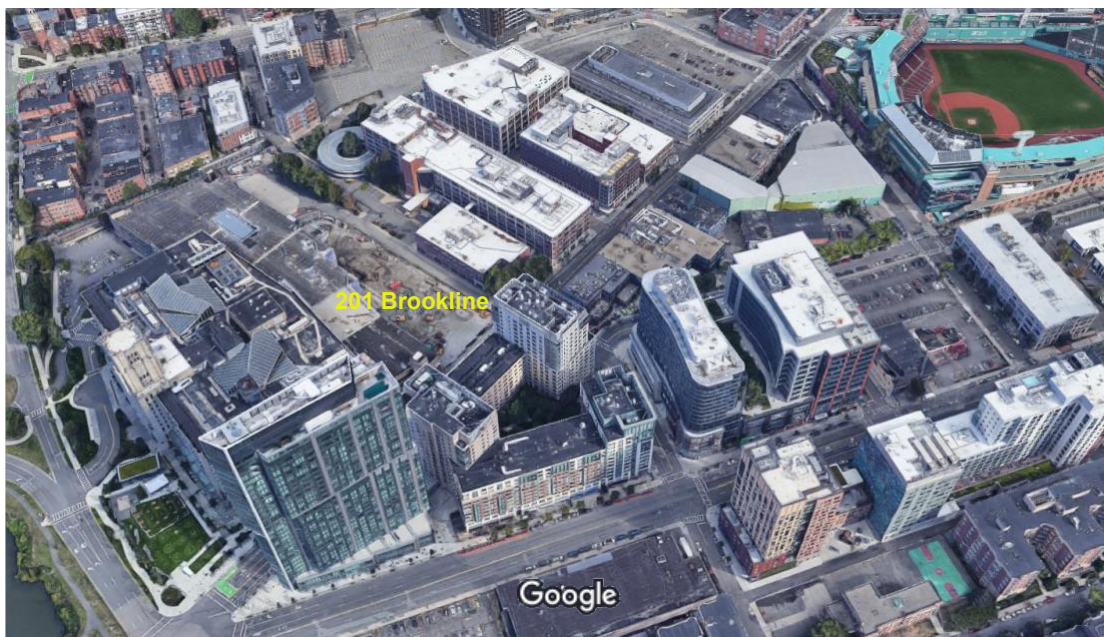
The 500,000+ square foot lab/office development has signed leases with Tango Therapeutics and Third Rock Ventures last year.

(see photo on the following page)

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As shown on the following aerial photo, there is considerable residential development both in the immediate Fenway neighborhood and along Beacon Street.



Subcommittee Report – 10/04/21**275 Grove Street (part of the Riverside MBTA redevelopment)
Newton, MA**

A million plus square foot mixed-use project to include 550 residential units, and 362,000 square feet of office/laboratory space.

**INTERIOR SPACES**

The interior of these facilities is frequently a mix of typical office space and dedicated research space. The ratio of office to lab space is a function of the type of research and in the case of industry (versus academic) users, the stage of development of the company's product. As a company's product gets closer to market the amount of office space relative to lab space typically increases.

As is discussed in Section 4 of this report, only certain types of tenants will require "wet lab" facilities, the design of which are highly delineated by government regulations and industry standards. Wet labs are for manipulating liquids, biological matter, and chemicals. Dry labs, which present as standard office space, are focused on computation, physics, and engineering. Below is an example of a wet lab interior at Cambridge Discovery Park.



SECTION 4: MARKET DISCUSSION

HISTORY OF LABORATORY LIFE SCIENCE USES IN BROOKLINE

In 2003 Town Meeting rejected a proposed zoning change for Two Brookline Place allowing a bio lab. A decade later, in 2013, Town Meeting did pass zoning changes permitting this use in the General Business and Medical Research (GMR) zoning district, as part of the redevelopment of Two Brookline Place. Under the current Brookline Zoning By-law, Two Brookline Place, occupying the GMR district, remains the only location in Brookline where research laboratory is

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an expressly allowed use (subject to special permit)⁵. Children’s Hospital’s recently opened facility at this site, however, does not include life science research uses.

Despite the restrictions of current zoning, there is life science and research activity occurring in commercial and home offices throughout Brookline. This is primarily the intellectual thought processes and in-silico (computer based) research which underpins so much of current life science research. These offices are referred to as “dry labs”, as opposed to prototyping, manufacturing, and “wet lab” research spaces.

OVERVIEW OF GREATER BOSTON LABORATORY/LIFE SCIENCES MARKET

Currently experiencing a boom in activity, the Boston market is expected to always be an attractive location for companies not only because of its established position, but also because of the combination of its world class educational institutions and medical facilities, highly qualified labor pool, overall quality of life and concentration of life science focused capital sources.

The Boston Metropolitan Area hosts one of the largest concentrations of public and private life science entities in the world and is the dominant market in the Eastern United States for life sciences related real estate development. Anchored by its world-class academic institutions, its consistently strong labor pool, and a well-recognized commitment to innovation, the metro area is expected to remain a leader in the life science field, domestically and world-wide.

⁵ Article IV of the Zoning By-law, in Item 36B of the Principal Uses Table, allows “Research laboratory for scientific or medical research” at a BSL 1 or 2 level, in the GMR – 20 district, on a lot of no less than 50,000 sf and no more than 65,000 sf, subject to a special permit and an annual hazardous materials review supervised by the Fire Chief and the Director of Public Health and Human Services.

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The size of the existing market is estimated at 24 to 26 million square feet⁶. Historically led by activity in Cambridge, particularly the Kendall Square market, the Boston metro area has experienced an activity boom in both urban and suburban sub-markets, driven both by the high cost of space in Cambridge and overall demand for space relative to existing supply. Boston's Seaport area houses the second largest biotech cluster with areas/municipalities including Boston's South End, South Boston, Watertown, Fenway, the Longwood Medical Area, Allston-Brighton, Newton, and Somerville, along with more established markets like Waltham and Lexington, competing to attract investors, developers, and tenants.

While historically driven by major medical and academic institutions, today the Greater Boston life sciences market is not monolithic with respect to either the type of user or the nature of how space is utilized.

Users:

- a. Academic and medical center users include Massachusetts General Hospital (Harvard affiliated), Tufts Medical Center in Chinatown, Boston Medical Center (Boston University affiliated) and the Longwood Medical Area (LMA). The LMA hospitals include the Dana-Farber Cancer Center, Brigham & Women's Hospital, Children's Hospital, and the Beth Israel Deaconess Medical Center. Massachusetts, led by the Longwood Medical Area, has received more funding per capita than any other state for the past 26 years.⁷
- b. Corporate users include businesses in the biotechnology, medical research, pharmaceutical, biochemistry, genetics and many other fields that fall under the broad heading of 'life sciences.' These entities include large established corporations as well as numerous, and growing, venture-backed companies ranging from start-ups/early stage to mid/late-stage operating entities.

Typically, these entities require years of venture and/or private equity funding or corporate guarantees before they produce either revenue or profits, and stand on their

⁶ Cushman & Wakefield North American Report on Life Sciences, page 20, and Colliers Boston 21Q1 Lab report. Includes all Boston and Cambridge submarkets, excludes suburban markets that total roughly 6 million additional square feet.

⁷ Boston Planning Department, <http://www.bostonplans.org/getattachment/b4770f73-9eba-4320-ad6d-eca859825a35>; Avison Young, [First Quarter 2021 Life Sciences Report](#)

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own. Capital raising by life sciences focused venture and private equity investment vehicles has been and is expected to remain robust.

Uses:

Preconceived notions of life science buildings containing floor after floor of crowded lab stations, Bunsen burners and pipettes are outmoded. As noted in [Section 3](#), these facilities contain a mix of office and dedicated research space, of which only a portion consists of wet lab facilities handling liquids, biological matter, and chemicals. In addition to the office and research spaces, these facilities may also include animal research, warehouse, and manufacturing components. The mix of spaces is dependent on specific tenant requirements related to both the area of research and, for private companies, the stage of the company.

In addition, as the Federal government classifies bioscience research facilities on a Biosafety Level scale of 1 to 4 (BSL 1 – BSL 4), based upon the nature of and potential risks associated with the activity conducted within a building. A more detailed explanation of this classification system, along with discussion of applicable regulatory and oversight entities, is found in [Section 6](#) of this report.

As noted above, this Subcommittee recommends Brookline consider allowing new bioscience laboratory development only of facilities that are either Biosafety Level 1 or Biosafety Level 2.

ADDITIONAL CURRENT MARKET CONSIDERATIONS

Most market observers concur that the current (2021) boom in existing and planned life science building construction is likely to experience a pause in the relatively near future. Classic signs of froth, including pure speculative development, are evident in broad market activity. However, despite the possibility of short-term disruptions, all observers believe that the Boston metro area will always be a major and important market for the life sciences industry, and therefore a viable market for investment in and development and or redevelopment of properties that address the needs of the tenant universe.

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Municipalities seeking to participate in this market will increasingly need to ‘be ready’ given the long lead times property development requires and because both developers and tenants (who typically are the drivers behind new construction) place a premium on certainty and predictable timing. Translated, that means that potential users will gravitate to municipalities that have the following characteristics:

1. In place zoning rules for life science projects, even if most development/redevelopment requires special permits to move forward.
2. An in-place public health and safety oversight framework that informs developers and tenants how their anticipated operations in the newly developed facilities would be licensed and monitored by local officials.

While 1 and 2 above are prerequisites for a municipality to ‘compete’, developers and prospective tenants will also evaluate municipalities based on additional factors such as:

3. Evidence of general community consensus that new laboratory/life science uses would be welcome in the municipality.
4. Indicia of locational attractiveness based on characteristics such as location, transportation, infrastructure, expansion possibilities, community amenities, trained workforce, etc.

WHERE DOES BROOKLINE FIT?

Brookline has some unique characteristics that make it an extremely attractive opportunity at certain select locations, and simultaneously a risky opportunity for life science tenants and real estate investors.

CHALLENGES: There are two primary challenges to Brookline’s active participation in the metro-area life sciences market:

The first, and most critical, is the lack in Brookline of the appropriate zoning and public health oversight framework that would provide potential developers, investors, and users sufficiently predictable and transparent processes governing development and operation of life science uses. Brookline lags virtually every adjacent or nearby community in this respect. This fact is reflected in rankings published by the Massachusetts Biotechnology Council, a life science

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industry trade group. It presently rates Brookline Bronze, the lowest rating available, in its [BioReady Community Rankings](#) review of 84 Massachusetts towns and cities.⁸

The experienced laboratory and life science developers and brokers consulted by the Subcommittee uniformly stressed that a prerequisite to serious consideration of Brookline locations by developers and potential new users is the *completion* of the necessary Town Meeting zoning actions to foster laboratory/ life science uses. Similar efforts in recent years by several of Brookline’s peer communities, such as Newton and Watertown, have helpfully clarified definitions of allowed research and development uses, provided well-organized special permit processes with predictable timing for development projects, and enhanced tenant-specific public health and safety oversight as a process separate from land use permitting. Our sources were confident that if Brookline were to take similar steps, the Town would be well positioned to compete for and to benefit from growth in this industry.

The second issue is the small number of locations in Town that have the requisite size and dimensions industry experts currently indicate is required for “wet labs”. While end users today are typically looking for floor plates of 30,000 to 40,000 square feet, the market is dynamic, and there are potential developments trying to attract interest outside of those sizes. Our market sources identified sites at 10 Brookline Place and portions of the Chestnut Hill West corridor, specifically, Chestnut Hill Office Park, as very promising locations for new laboratory and life science uses. Opportunities for the conversion of existing properties to life science uses also appear limited. It is however possible that other sites in Brookline could offer opportunities. For example, parcels currently owned by not-for-profit entities with sufficient space for larger buildings might become available in the future; and smaller sites might offer the opportunity for incubator space or other “dry” research uses that may not need the same configuration as large office and laboratory uses.

POSITIVES: Because of its proximity to the Longwood Medical Area (LMA), Brookline has long been a viable location for both administrative and medical uses that have supported the operations of the LMA’s major (mostly tax-exempt) institutions and is a desirable residential community for many life science workers and investors.

⁸ See Massachusetts Biotechnology Council, <https://www.massbio.org/initiatives/bioready-communities/>.

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The Route 9 Corridor from Brookline Avenue to the Newton line is already an established market for clinical outpatient and institutional office uses. This location is valued because of its closeness to the LMA, its access to Metro West communities and the greater Boston area provided by Route 9's connections to Route 128 and the Massachusetts Turnpike, and the Town's excellent access to public transportation. Brookline is serviced by the Green Line, MBTA bus route 66, which connects Brookline Village to Harvard Square, and MBTA bus route 51 which connects Forest Hills to Cleveland Circle. This well-developed transportation network provides important access for employees and patients/customers alike.

Though Boston University is not currently a meaningful generator of demand for private research and life science space, Brookline's proximity to BU may also be a future factor in investors' interest in Brookline's location.

SECTION 5: POTENTIAL IMPACTS ON THE COMMUNITY

Life Science Research uses are economic development drivers, generating both taxes and jobs coveted by peer communities.

NET FISCAL IMPACTS: NEW COMMERCIAL TAX GROWTH VS. INCREMENTAL COSTS

Currently available laboratory spaces are averaging rents in the Boston market of just under \$100 per square foot triple net⁹. Kendall Square is the market leader with rents now well over \$100 per square foot. Fenway, with both institutional and venture-backed users, is believed to be the most comparable sub-market to Brookline Village given its own proximity to the LMA and urban construction costs. Fenway rents have recently exceeded \$100 for new construction, about equal to Allston and slightly more than other Boston sub-markets such as the Seaport

⁹ Cushman & Wakefield, [LIFE SCIENCES ON THE RISE, page 20.](#)

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Recent investment sales for life-science buildings are exceeding \$1000 per square foot ¹⁰. Projected rents for potential Brookline Village life science developments approximate \$95 per square foot. These financial metrics, using the Brookline Assessor's approach to valuation, should translate into very high assessed values for this property type, and therefore considerably higher real estate taxes per square foot than retail, hotel, medical office, or traditional office development. This opportunity for high value per square foot expansion of the Town's tax base would help Brookline to address its ongoing structural deficit while mitigating the increase in the tax burden on residential taxpayers.

The costs to the Town associated with this type of property are expected to be minimal. The licensing and regulatory structure proposed in [Section 7](#) of this report, contemplates building developers and the life science users paying licensing fees to defray the administrative and inspectional service expenses, as well as the pass-through cost of consultants the Town may retain to assist in review of license applications and on-going monitoring. Because of these factors, the Subcommittee has a high degree of confidence that laboratory and research use will have a significant positive net fiscal impact.

Life science developments would also have an economic multiplier effect on the local business community. The addition of well compensated employees in the Town's existing commercial areas, many of whom work long hours, would support nearby small businesses and restaurants. In addition, the collaborative nature of science may generate additional demand for the Town's hotels, which will have the further benefit of paying room occupancy taxes.

POTENTIAL OWNERSHIP BY TAX-EXEMPT INSTITUTIONS

Institutional demand is a key driver to the area's life science market, with some institutions renting and others owning. Especially for commercial parcels near the LMA and Boston University, there is a risk of a change of ownership to tax-exempt institutions. When that

¹⁰ Cushman & Wakefield, [LIFE SCIENCES ON THE RISE, page 21.](#)

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occurs, the taxes previously attributable to these properties are transferred to the remaining commercial and residential property taxpayers in Brookline. This transfer is offset in part if these tax-exempt owners voluntarily agree to make a Payment In Lieu of Taxes (PILOT) payment, typically equal to 25% of the taxes owed.

The Town has utilized over the last decade a tax certainty structure to protect large commercial assets with the potential for tax-exempt ownership from later going off the tax rolls following initial development or redevelopment. Developers seeking zoning changes agree to a recorded, long-term tax certainty PILOT agreement, requiring any future tax-exempt owner to make payments based on 100% of assessed value. However, once zoning is in place, tax certainty agreements cannot be negotiated, as it would be considered “contract zoning” which is illegal in Massachusetts.

In particular, the “wet lab” life science zoning uses recommended in this report may attract institutional owners. Notwithstanding the Subcommittee’s recommendation for a new zoning definition to provide for this use, all the potential sites identified by this committee will require significant re-zoning for building form parameters, thereby providing the opportunity to negotiate tax certainty agreements. The Subcommittee recommends continuing this strategy for large new developments having the potential for tax-exempt ownership.

JOB CREATION

While many life science positions are filled by highly educated scientists, there are entry level positions available at both the laboratory and administrative levels for office workers and lab technicians, glasswashers, animal care technicians, as well as for building level functions such as custodial, maintenance, security, parking attendants, cafe workers, landscapers, etc. For past developments, Brookline has negotiated a requirement for developers to provide job fairs and internship opportunities targeted to Brookline residents.

KEY DESIGN FEATURES - SEE APPENDIX 4

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QUALITY OF LIFE – WHAT KIND OF NEIGHBOR

Traffic and Parking

The ratio of workers in a life science building per thousand square feet tends to be among the lowest of commercial uses. Depending on the tenant and the mix of lab and office space within the building, a rule of thumb is 2.5 to 3.3 employees per thousand. Unlike a traditional office building user, research is often conducted 24 hours per day, seven days a week. So, while there are core hours where a majority of workers will be present, in general workers' hours do not conform to usual office commuting patterns.

Since laboratory uses tend to have a lower density of persons per square foot of space compared to office uses, that generally translates into less parking and lower traffic impacts. This is reflected in The Institute of Transportation Engineers (ITE) published generation data for R & D compared to office space. As noted above, rush hour traffic impacts are generally not as great due to the 24-hour operations of many labs and the atypical commuting patterns. In addition, many of the younger people in this field seek alternative forms of transportation, including walking, biking, ride shares and public transit. Parking requirements in Boston are 0.7 spaces per thousand square feet, in Somerville 0.9 spaces, and in Watertown 1.5-2 spaces. In more suburban developments, parking is generally free and approach ratios of 4 spaces per thousand square feet. Depending on the location of a development in Brookline, transit access, as well as parking charges in developments east of Cypress Street, may serve to further reduce onsite parking demand.

Noise and odors

The Subcommittee consulted both developers and officials from neighboring municipalities about the extent to which laboratory buildings pose concerns regarding noise and odors. Research and lab buildings are highly engineered and regulated facilities that incorporate extensive controls for potential noise and exhaust. (More information on design requirements for these facilities is found in [Appendices 4](#) and [5](#).) Due to the need to maintain precise conditions for the proper operation of highly sensitive equipment, and so as to ensure the health and safety of employees, neighbors and the general public, there are highly specialized requirements for the heating and ventilation systems in these buildings. The systems require significant rooftop mechanical equipment, which is typically housed in fully enclosed, acoustically insulated penthouses that meet applicable state and local noise standards.

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Further, as in other municipalities hosting these uses, the Town’s Building Department would be actively involved in responding to complaints and any necessary regulatory enforcement to ensure that laboratory building operations do not adversely impact neighbors or the public.

SECTION 6: PUBLIC HEALTH & SAFETY

Communities hosting new life science laboratory and research facilities have considered and found various ways to address concerns about the public health and safety aspects of the work of these facilities.

It is important to note that research and development laboratory uses encompass a range of potential activities, only some of which will be in the life sciences. Further, within the life sciences, potential users could be “wet” labs, “dry” labs, or a combination of the two. Wet labs are for manipulating liquids, biological matter, and chemicals. Dry labs are focused on computation, physics, and engineering. ([A further discussion of wet vs dry labs can be found here.](#)) The public tends to equate life science research with wet labs, but in fact a portion of life science research space in the Boston market is classified as dry lab space.

The subset of life science lab facilities which may employ biological agents, human and animal cell lines, recombinant DNA (rDNA), toxic chemicals, radioactive materials, or other materials which may pose a hazard to humans are extensively and comprehensively regulated at the Federal and state levels. Such laboratories must comply with the relevant and most recent National Institutes of Health ([NIH Guidelines](#)) for research; the most recent biosafety levels and containment measures in the Centers for Disease Control and Prevention (CDC’s) [Biosafety in Microbiological and Biomedical Laboratories](#) (BMBL); the regulations of the Occupational Health and Safety Administration (OSHA) and the US Department of Agriculture (USDA); and all applicable state of Massachusetts regulations. These regulations and standards require such facilities to maintain a safe lab environment for workers and to contain anything potentially hazardous in order to prevent potential risks to employees or the public. The applicable regulations and guidelines provide standards for facility design, facility operations, public safety infrastructure, as well as regulating the actual research activities housed in these facilities.

A partial list of regulatory and standard-setting organizations, including non-governmental organizations, can be found in [Appendix 5](#).

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The [NIH Guidelines](#) specify the biosafety practices and containment principles for rDNA, synthetic nucleic acid molecules, and cells, organisms and viruses containing such molecules. The CDC's [Biosafety in Microbiological and Biomedical Laboratories \(BMBL\) 6th Edition](#) details "best practices for the safe conduct of work in biomedical and clinical laboratories from a biosafety perspective."¹¹ The BMBL also establishes four levels of Animal Biosafety Laboratories (ABSL) for activities involving hazardous biological work with animals. Dedicated animal research spaces are required for the housing and care of laboratory animals, all of which is strictly controlled under the BMBL, the USDA, and other animal welfare regulations. The USDA regulates research laboratory practices affecting the welfare of a range of animal species used in research, including but not limited to dogs, cats, hamsters, guinea pigs and rabbits. (Certain specified lines of rodents are, however exempt from the primary USDA laboratory animal welfare regulations.)

The BMBL establishes four Biosafety Levels (BSL).

Biosafety Level 1 (BSL-1) is the basic level of protection and is appropriate for defined and characterized strains of ***viable biological agents that are not known to cause disease*** in immunocompetent adult humans. Biosafety Level 2 (BSL-2) is appropriate for handling moderate-risk agents that cause *human disease* of varying severity ***by ingestion or through percutaneous or mucous membrane exposure***. Biosafety Level 3 (BSL-3) is appropriate for agents with a known potential for aerosol transmission, for agents that may cause serious and potentially lethal infections, and/or that are indigenous or exotic in origin. Exotic agents that pose a high individual risk of life-threatening disease by infectious aerosols and for which no treatment is available are restricted to high containment laboratories that meet Biosafety Level 4 (BSL-4) guidelines.¹²

To reiterate, this report recommends only BSL-1 and BSL-2 facilities be permitted in Brookline.

This recommendation is consistent with the views expressed by Brookline's Director of Public Health. Further, the proposed Brookline Biosafety By-law, discussed in detail in [Section 7](#) of this report, would specifically reference and require compliance with all applicable Federal and state regulations by any bioscience laboratory facility operating in Brookline. This is the same

¹¹ <https://www.cdc.gov/labs/BMBL.html>

¹² [Biosafety in Microbiological and Biomedical Laboratories, 6th Edition](#), Section 1, page 4.

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framework used in neighboring municipalities that have adopted local ordinances, by-laws or regulations addressing public health and safety aspects of laboratory uses within their communities.

SECTION 7: REGULATORY FRAMEWORK

As part of its investigation into the potential for new research laboratory and life science development in Brookline, the Subcommittee has developed proposed concepts on how such new uses would be regulated, from both a land use (zoning) and a public health and safety perspective. A fuller description of these proposed concepts is provided in the attached *Laboratory Research Regulatory Concept Outline: Zoning and Public Health and Safety* (“Regulatory Concept Outline”), [Appendix 1](#) to this report.

The **Zoning/Land Use** section of the Regulatory Concept Outline addresses Zoning By-law provisions defining what research laboratory uses would be permitted and in which zoning districts of the Town, subject to special permit requirements and to other applicable provisions of the Brookline Zoning By-law. The **Public Health and Safety** section of the Regulatory Concept Outline includes proposed elements of a new General By-law and associated regulations and procedures addressing how life science laboratories would operate within such permitted laboratory research facilities, providing for Town oversight to ensure that such facilities located in Brookline fully comply with all applicable Federal and state regulations and requirements in a manner that effectively protects public health and safety.

The separation of public health and safety operational aspects from zoning and land use permitting for such facilities allows for careful focus on the typical physical attributes of new building development (parking, traffic, height, setbacks, ground floor uses, storage and loading facilities, and similar issues) during special permit review to authorize the proposed development. Following special permit approvals allowing the development of buildings that include laboratory uses, individual tenant users would be subject to public health and safety licensing and operational oversight as further described below.

Several of the elements in the Regulatory Concept Outline are modeled on zoning definitions and public health frameworks in use in Newton and Watertown, peer municipalities to Brookline that are in the process of developing significant new biotechnology, medical,

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engineering, computer science, and related research laboratory business sectors pursuant to recently updated zoning provisions and public health regulations.

ZONING/LAND USE

The Regulatory Concept Outline proposes the following uses be allowed by special permit, in Brookline's Industrial (I), General Business (GB), Office (O), and General Business and Medical Research (GMR) zoning districts, as well as in existing (Emerald Island Special Overlay District) and/or new Special Overlay Districts.

“Research and Development Laboratory. A facility for scientific or medical research, testing, and prototype development in one or more scientific fields, including, but not limited to, life sciences, biotechnology, biomedical research, robotics, medical devices, or photonics. *Research and Development Laboratory* may include a research laboratory for scientific or medical research with a Biosafety Level of Level 1 or Level 2, as defined by and subject to all applicable requirements of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institutes of Health (but shall not include Biosafety Level 3 or higher laboratories).”¹³

In addition to securing the required special permit for this defined use, development projects encompassing Research and Development Laboratory uses would be subject to all other applicable Town of Brookline Zoning By-law requirements. Due to dimensional limitations under present zoning, modified zoning provisions would likely need to be adopted by Town Meeting for any such development or redevelopment to proceed. Such projects would generally constitute major impact projects requiring extensive Town staff review, a neighborhood meeting, and a Design Advisory Team review, prior to the granting of a special

¹³ The intent is that this definition should be placed into the Zoning By-law in a way that does not cause any existing similar uses (currently legal) to become pre-existing non-conforming. .

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permit. Additionally, special permits will be needed for dimensional relief with respect to mechanical penthouses exceeding 10 feet in height serving this type of use, as required under present Brookline zoning.

PUBLIC HEALTH AND SAFETY

The Regulatory Concept Outline proposes a Town oversight framework based primarily on Watertown's 2020 Biotechnology Regulations¹⁴ governing laboratory work using biologic agents or recombinant DNA (rDNA) technology, with some reference to other municipalities' programs for public health and safety oversight of laboratory uses. The Watertown Regulations have been favorably received by and are being successfully applied within the laboratory development and user communities.

NEW TOWN GENERAL BY-LAW REGARDING BIOSAFETY

Subject to Town Meeting approval, Brookline would adopt a new General By-law to provide a mechanism for Town oversight of those Laboratory and Research Development facilities that work with biologic agents¹⁵ and/or recombinant DNA (rDNA) technology. The purpose of the new By-law would be to provide a framework for the Town to ensure that existing comprehensive Federal and state regulatory requirements for such facilities are fully implemented by research laboratory life science operations located in Brookline in a manner that effectively protects public health and safety.

¹⁴ <https://www.watertown-ma.gov/DocumentCenter/View/28898/Adopted-rDNA--Biosafety-regulations-Updated-to-712020>

¹⁵ Non- rDNA biologic agents include microorganisms (such as bacteria, viruses, fungi, rickettsiae or protozoa) or infectious substances.

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As discussed in [Section 6](#) of this report, all life science laboratories must comply with the relevant and most recent [NIH Guidelines](#) for research, the most recent biosafety levels and containment measures in the CDC's [Biosafety in Microbiological and Biomedical Laboratories](#) (BMBL), and all applicable state of Massachusetts regulations. Animal testing facilities, which typically comprise a small component of some BSL-1 and BSL-2 laboratories, are also subject to special animal biosafety requirements included in the CDC's BMBL, specialized design codes and operational requirements promulgated by the National Research Council and the U.S. Department of Agriculture and professional industry standards issued by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the American Association for Accreditation of Laboratory Animal Care (AAALAC).

ESTABLISHMENT OF BROOKLINE BIOSAFETY ADVISORY COUNCIL

Pursuant to the authorizing By-law, a Brookline Biosafety Advisory Council (BBSAC) would be formed, comprised of five (or seven) members, including:

- Advisory Council on Public Health Chair or designee,
- Director of Public Health and Human Services or designee,
- a hazardous materials advisor appointed jointly by the Director of Public Health and Human Services and the Fire Chief, and
- two (or four) Brookline residents with relevant training and experience in the areas of biotechnology, occupational health, infectious disease, and/or environmental health, to be appointed by the Director of Public Health and Human Services and interviewed and confirmed by the Brookline Select Board.

The establishment of such a Biosafety Advisory Council to assist and advise in the administration of Town regulations and oversight of research laboratory/ life science operations in Brookline was specifically endorsed by Brookline's Director of Public Health and Human Services, Dr. Swannie Jett, in discussion with the Subcommittee of potential public

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health responses to new life science uses in Brookline¹⁶. Dr. Jett felt that such an Advisory Council would be helpful in providing transparency and a level of assurance to the community at large that public safety aspects of such operations are being controlled and managed properly.

The Biosafety Advisory Council would advise the Director of Public Health and Human Services, other relevant Town departments including the Building Inspector and Fire Department, and Town consultants, regarding implementation of a registration and licensing program for operators of BSL 1 and 2 laboratories in Brookline, as further described below. The Biosafety Advisory Council would hold public hearings with respect to BSL 2 license applications; make recommendations to the Public Health Director regarding approval or denial of licenses; advise the Public Health Director on the promulgation and periodic modification of Biosafety Regulations and/or policies and procedures to further effective program operations; and would advise the Public Health Director, Building Inspector, and Fire Chief with respect to ongoing oversight and enforcement issues concerning life science laboratory operations.

¹⁶ Dr. Jett attended the Subcommittee meeting on April 27, 2021, at which municipal best practices to address public health and safety aspects of bioscience laboratory uses were discussed in detail.

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REGISTRATION PROCESS FOR BSL 1 LABORATORIES

BSL 1 laboratories, and low-risk laboratories that are otherwise exempt from NIH guidelines, would register annually with the Public Health Department and pay an annual registration fee. They would be subject to periodic inspection by Town staff or consultants.

LICENSING PROCESS FOR BSL 2 LABORATORIES

Operators of BSL 2 laboratories would be required to obtain a license to operate from the Public Health Director. Licenses would be approved for a one-year term and would be renewable annually for four additional successive one-year terms. After five years, a full new application would need to be submitted to obtain a new license.

APPLICATION PROCEDURES. A completed application, with required supporting materials, would be submitted to the Director of Public Health and Human Services. Application information would include, e.g.: plot and floorplans, lists of organisms with associated containment levels and decontamination procedures, plans to test purity of host organisms and resistance to commonly used antibiotics, waste management and pest control plans, and safety manuals.

License applicants would consent to inspection of facilities and records by Brookline employees or Town consultants. A license applicant would commit to include on its Federally required Institutional Biosafety Committee at least one community representative from Brookline.

Staff or a consultant working on behalf of the Public Health Department would review the inspection report and application to create a summary for the Director of Public Health and the Biosafety Advisory Council. Input from the Building Inspection Department and the Fire Department would be sought as applicable and would be included in the summary.

The Biosafety Advisory Council would hold a public hearing to include a presentation by the license applicant, a review of the summary report, and public comment. The Biosafety Advisory Council would then make a recommendation whether the Director of Public Health should approve license issuance.

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LICENSE TERMS AND RENEWALS. New license issuance after five years would be based on a new full application and would be governed by the then-current Brookline Biosafety Regulations and any related guidelines and processes. The re-issuance application would include description of any changes, or certification that no changes have occurred since the prior license approval, along with a description of current protocols and any physical improvements at the facility.

FEES AND REIMBURSEMENTS FOR SPECIALIZED PEER REVIEWS. Application and renewal fees would support a portion of the expenses of program operation, including employment of appropriate staff and consultants to conduct application review, inspections, and enforcement. At the request of the Biosafety Advisory Council or on recommendation of the Director of Public Health and Human Services, Building Inspector, or Fire Chief, where a particular application warrants additional specialized expertise for peer review, the Town would retain a consultant expert whose fees would be reimbursed by the applicant.

SECTION 8: TOWN RESOURCES AND ALIGNMENT WITH EXISTING PRIORITIES

ALIGNMENT WITH BROOKLINE'S SUSTAINABILITY COMMITMENTS

In both the Fall 2019 and Spring 2021 Town Meetings, Warrant Articles were passed restricting the use of natural gas in new construction. Under both warrant articles, laboratory uses were exempted from this prohibition on natural gas use. As described in Appendix 4 and in this report, there are stringent regulations governing the specifications for air handling and other mechanical systems which, as of this writing, make it infeasible for such systems to be fossil fuel free (FFF). The technology in this area is rapidly evolving however, and the Subcommittee has heard optimistic reports that FFF life science facilities will become possible in the next three to five years. Requirements for future projects to be both FFF and for electric car infrastructure should be addressed when negotiating project-specific zoning changes.

IMPACTS ON BROOKLINE'S EXISTING INFRASTRUCTURE AND OPERATIONS

State codes regulate the discharge of wastewater into public sewers. Brookline is a member of the MWRA, and water and sewer usage is regulated by the MWRA, rather than Brookline's Water and Sewer Department. Regardless of the Biosafety Lab level, all life science labs are

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required to receive and maintain an industrial use sewer discharge permit, which may be conditioned on pre-treatment of the discharge. The level of permit is determined by the MWRA based on the permit holder's operations, the volume of the daily discharge, and the potential for pollutants. The MWRA inspects the facility prior to issuing a permit and then at regular intervals during the life of the permit. The permit holder must submit wastewater samples to the MWRA, with the frequency of the submission dependent on the type of permit but ranges from once every five years to monthly. In addition, the MWRA collects its own samples directly from the facility.

The Building Department is not aware of any specific building code requirements which would necessitate any periodic inspections for this use. Feedback from other municipalities indicates building departments are most often involved in "nuisance" issues related to noise or late-night lights. Dan Bennett, Brookline's Building Commissioner, considers these typical issues the department deals with across property types.

The amounts of certain flammable liquids and other hazardous materials which may be used in a building and the specifics of under what conditions they may be stored (i.e., specific fire suppression systems), is regulated by the state building code. Beyond certain exempt amounts, the state building code also specifies in the instance of certain "High Hazard Use" substances the "fire separation distance" between the building's perimeter and adjacent lot lines, public ways, and neighboring structures. These requirements may exceed setbacks required under local zoning.¹⁷

The Fire Department anticipates it will be involved in unspecified emergency medical responses, as 60% of its calls are currently with EMS crews (who should we call, the Fire Department). They do not anticipate fire specific regulations beyond existing building and fire codes. Using and storing hazardous materials above the 7th floor is permitted so long as the quantities are within the code limits. The Department recommends that fire safety training specific to lab use be provided. Additionally, at the time of permitting, the Department recommends the Town hire a third party code review consultant specifically for lab uses.

¹⁷ *Microbes, Mice and Minefields: Unique Issues in Developing and leasing Life Science Facilities*, by William R. O'Reilly, Jr., page 5 (full citation in Appendix 3).

APPENDIX 1 LABORATORY RESEARCH REGULATORY CONCEPT OUTLINE

Laboratory Research Regulatory Concept Outline

Zoning and Public Health and Safety

Zoning/Land Use: Defines the permitted use and where in Town it will be allowed.

1. Proposed Zoning Use Definition:

“Research and Development Laboratory. A facility for scientific or medical research, testing, and prototype development in one or more scientific fields, including, but not limited to, life sciences, biotechnology, biomedical research, robotics, medical devices, or photonics. *Research and Development Laboratory* may include a research laboratory for scientific or medical research with a Biosafety Level of Level 1 or Level 2, as defined by and subject to all applicable requirements of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institutes of Health (but shall not include Biosafety Level 3 or higher laboratories).”¹⁸

2. Permitted Locations (Subject to Special Permit):

The defined Research and Development Laboratory use would be allowed, subject to a required special permit, in Industrial, General Business, Office, and General Business and Medical Research Districts, plus applicable existing (Emerald Island Special Overlay District) and/or new Special Overlay Districts.

¹⁸ The intent is that this definition should be placed into the Zoning By-law in a way that does not cause existing similar currently-legal uses to become preexisting non-conforming. The Subcommittee is continuing to consult with Town Counsel, the Building Commissioner, and Planning Department staff on how best to achieve this intent.

Subcommittee Report – 10/04/21**3. Other Applicable Provisions under Existing Brookline Zoning Bylaw**

In addition to the required special permit for this use as noted above, any development of this defined Research and Development Laboratory use will be subject to all other applicable Brookline Zoning By-law requirements. Due to dimensional limitations under present zoning, modified zoning provisions would likely be needed to be adopted by Town Meeting for any such development or redevelopment to proceed. Such projects would constitute a Major Impact Project requiring extensive internal staff review, a neighborhood meeting and a Design Advisory Team review prior to the granting of a special permit. Additionally, special permits will be needed for mechanical penthouses in excess of 10 feet serving this type of use, as required under present zoning.

Public Health and Safety Regulations: govern how laboratory uses operate within permitted laboratory research facilities

Proposed New Biosafety General By-law**1. Purpose:**

- a. To provide a process for Town oversight of those Laboratory and Research Development facilities that work with biologic agents and/or recombinant DNA (rDNA) technology.
- b. Operation of life science laboratories and any associated animal research component must maintain compliance with [NIH Guidelines](#) for research, the CDC's [Biosafety in Microbiological and Biomedical Laboratories](#) (BMBL); with all applicable state of Massachusetts regulations; and with specialized design codes and operational requirements promulgated by ASHRAE, the National Research Council, and the [U.S. Department of Agriculture for animal research](#).

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- c. The By-law would restrict life science laboratories operating in Brookline from using warm-blooded “animals”, as that term is defined in the USDA Animal Welfare Regulations.¹⁹

2. Scope:

- a. All life science laboratories.

3. Oversight Mechanisms

- a. Establishment of a Brookline Biosafety Advisory Council (BBSAC) to advise the Director of Public Health and Human Services (the “Director”).
 - i. Size: 5 or 7 members consisting of
 1. Advisory Council on Public Health Chair or designee,
 2. Director or designee,
 3. Hazardous materials advisor appointed jointly by the Director and the Fire Chief, and
 4. Two (or four) Brookline residents with relevant training and experience in the areas of biotechnology, occupational health, infectious disease, and/or environmental health. To be appointed by the Director and interviewed and confirmed by the Brookline Select Board.
 - ii. Authority and Responsibilities of BBSAC and Director
 1. Licensing:
 - a. BBSAC conducts public hearings with respect to applications for BSL-2 licenses.
 - b. Upon review of a BSL-2 license application, in collaboration with the relevant Town staff and Town consultant reports and the completion of the required public hearing, BBSAC makes a recommendation to the Director regarding the

¹⁹ "Animals" are defined in the Animal Welfare Regulations as any warm-blooded animals. The defined term specifically excludes birds, and specifically excludes rats of the genus *Rattus* and mice of the genus *Mus* that are bred for use in research. 9 CFR 1.1 – Definition of Terms

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Director's issuance or denial of the requested BSL-2 license.

2. Regulations and Policies:

- a. The BBSAC would advise the Director on the promulgation of Biosafety Regulations setting forth detailed procedures and standards for registration and licensing.
- b. The BBSAC would periodically review the appropriateness and effectiveness of any Biosafety Regulations established under the Bylaw, would recommend modifications to the Regulations, and would advise the Director, Building Inspector, and Fire Chief with respect to ongoing oversight and enforcement issues concerning life science laboratory operations.
- c. The BBSAC may advise the Director on other policies and procedures consistent with the Regulations to further effective program operation.

4. Registration and Licensing

a. Registration

- i. Required for BSL 1 laboratories and those laboratories that are exempt from NIH Guidelines.
- ii. Annual requirement
- iii. Fee schedule to be established by Director.
- iv. Registration submission requirements to be recommended by BBSAC and established by the Director in conjunction with other appropriate Town Departments.
- v. Registering operations consent to inspections by appropriate Town authorities.

b. Licensing

- i. Required for BSL 2 laboratories.
- ii. Schedule:
 - 1. One-year term renewable annually for four additional successive one-year terms.
 - 2. Full license re-issuance required after five years, requiring submission of a new application.
- iii. Applications:
 - 1. Form to be established by Director in consultation with BBSAC.

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2. Application materials to include, but not be limited to: plot and floor plans, lists of organisms with associated containment levels and decontamination procedures, plans to test purity of host organisms and resistance to commonly used antibiotics, waste management and pest control plans, and safety manuals.
- iv. Licensing conditions to include but not be limited to:
 1. Consent to inspection of facilities and records by Town employees or consultants.
 2. Establishment of an Institutional Biosafety Committee (IBC), if not already required under other Federal or state regulations. All IBCs shall include one or more community representatives.
 3. Payment of application and renewal fees as may be established from time to time by the Town, and reimbursement to the Town of the cost of any consultants whose expertise is required in the review of applicant's license application.
 4. Animal research components of life science laboratories will be required to secure accreditation from the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC International) .
 5. Such other conditions as may be established by the Director in conjunction with BBSAC and other relevant Town officials.
 6. Public hearing to be conducted by BBSAC to obtain community input prior to initial license approval and every 5 years upon relicensing.

Subcommittee Report – 10/04/21**APPENDIX 2 SUBCOMMITTEE CHARGE AND MEMBERS***Subcommittee Charge*

Established in February 2021 by the Economic Development Advisory Board, to investigate and evaluate the addition of Research and Development and/or Laboratory Life Science and other related uses to the Brookline Zoning By-Law beyond the present GMR district at Brookline Place.

The ad hoc subcommittee will research market, design, safety, zoning, licensing, monitoring, financial, infrastructure and transportation requirements, community impacts and acceptance and other considerations germane to the topic. This work will be done in coordination with other ongoing or future planning efforts. The ad hoc subcommittee will endeavor to provide a draft report with preliminary recommendations to EDAB.

Specific discussion points to include:

- Review potential contacts and rough sequencing of topics to be investigated;
- How will community impacts and acceptance be determined;
- How will potential redevelopment sites be determined and are there any existing

buildings that could be converted; and

- Recurring schedule for future meetings, recognizing need for flexibility for some industry guests.
- Potential roles (note taking, collecting relevant media articles, etc.)

Subcommittee Study Process

The Subcommittee held 14 public meetings, and EDAB convened a widely noticed public hearing on September 29, 2021, at which feedback was provided on our findings and recommendations. The Subcommittee met with developers, brokers, and peer municipal officials, as well as Town staff.

The Subcommittee developed the findings and recommendations discussed in this report based on consultation with a range of industry experts (as detailed in [Appendix 3](#)) and specific consultation with Brookline's Director of Public Health and Human Services, Town Counsel's

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Office, and other key Town officials (Fire Chief, Building Commissioner, and Planning Department staff). The Subcommittee also investigated the regulatory and other best practices of other Greater Boston municipalities either well-established in hosting laboratory/life sciences development and operations (e.g., Boston and Cambridge) or emerging in recent years as active and successful in providing for these types of uses (e.g., Somerville, Newton and Watertown.) Finally, Subcommittee members networked with some of the many Brookline residents who are life science professionals.

Subcommittee Members

Cliff Brown: Cliff Brown is a Town Meeting Member (Precinct 14) and member of the Advisory Committee where he is the current chair of the Schools Subcommittee. He serves or has served on the Economic Development Advisory Board, The Zoning By-Law Committee, the 2014 and 2017 Override Study Committees and the 111 Cypress Acquisition Committee and has assisted the Public Schools of Brookline superintendent's office with enrollment projections. He was the co-chair of the Runkle site-council and coached Brookline youth and travel soccer teams. His professional background is in investment banking and investment management with a particular focus on real estate. He has a B.S. in Economics and an M.B.A. in Finance from The Wharton School of the University of Pennsylvania. He and his wife Lisa Halpert have lived in Brookline for 24 years and their three children attended the Brookline Public Schools

Carol Levin: Carol Levin is a member of the Advisory Committee and the Economic Development Advisory Board. She is a member of the Pierce Building Committee and was also a member of the 2014 Override Study Committee, the 111 Cypress Street Acquisition Committee, the Treasurer of the Runkle PTO and a member of the BHS PTO Board. Carol is the Founder and Principal of RE-Advisors, New England's first healthcare real estate consulting firm where for over 25 years she has guided healthcare organizations in thinking strategically about real estate. Prior to RE-Advisors, she spent over a decade in the field of commercial real estate finance. She holds both a BS and an MBA from Cornell University. She and her husband Dr. Jeffrey Macklis have lived in Brookline for 30 years and their two children attended Runkle and Brookline High School.

Marilyn Newman: Marilyn Newman is a member of the Economic Development Advisory Board. She has served on Town study committees addressing redevelopment at the Waldo-

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Durgin site and new zoning for the Emerald Island special district. She is an environmental attorney practicing with the Boston law firm Mintz, focusing on permitting and planning of real estate, infrastructure, transportation and renewable energy projects. Prior to joining Mintz, Marilyn served as chief counsel to the Massachusetts state transportation department and in other senior public agency legal positions. She holds a BA degree from Harvard College and a JD degree from Harvard Law School. She and her husband Francis Ganong have lived in Brookline for more than 35 years, and their two children graduated from Brookline High School.

Paul Saner: Paul Saner is a Town Meeting Member (Precinct 13) and is co-chair of Brookline's Economic Development Advisory Board. Paul also serves, or has served, on the Zoning By-Law Committee, the Housing Opportunities Task Force, the Moderator's Committee on Tax Classification, the Community Preservation Review Committee, the Fisher Hill Study Committee and several other project review committees. He was a principal of a national real estate investment firm and a Managing Director of a major commercial bank. He was the founding board chair of the Metropolitan Waterworks Museum and was the Governor appointed Commissioner of the Massachusetts Commission for the Blind. He was a Trustee of the Brookline Community Foundation, served on the Runkle School Council, and was President of Friends of Brookline Rowing. He has a BA from Trinity College and holds an MBA in Finance from the University of Rochester. He has lived in Town for more than 33 years, and his daughters were graduates of Brookline public schools.

Subcommittee Report – 10/04/21**APPENDIX 3 RESOURCES**

Members of the Committee and/or Economic Development staff met or spoke with the following. Individuals with whom the Committee and staff met with in a public meeting are noted by an *.

*Berkeley Investments - Young Park, Samantha Kaufman and Morgan Pierson

Daniel Bennett, Brookline Building Commissioner

*Bulfinch Company - Robert Schlager, Matt DeNoble, Mark DiOrio, Brian McInerney, Pamela Yang, and Valon Hydra²⁰

George Cole, Leggatt McCall Properties

Brookline Fire Department Staff including Fire Chief John F. Sullivan, Deputy Chief David A. Randolph, Captain Todd Cantor, Emergency Management Coordinator Cheryl Snyder, First Responders and HazMat

*Duncan Gratton, Executive Director of agency leasing brokerage - Cushman & Wakefield

Tom Galligani, Somerville Economic Development Director

Jesse Gray, PhD Ascidian Therapeutics Director and Group Leader

*Jessica Healey, Environmental Health & Engineering, Inc.

*Dr. Swannie Jett, Director of Brookline Public Health Department

*Steve Magoon, Director of Planning and Assistant Town Administrator, Watertown

Patricia Maher, Chair Brookline Advisory Council on Public Health

²⁰ Bulfinch Companies is the owner of 10 Brookline Place. While the meeting with the Subcommittee was general in nature, in the spring of 2021 Bulfinch also presented massing concept plans to the Boylston Street Study Committee for the redevelopment of 10 Brookline Place as a life science building.

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Pam McKinney, Byrne McKinney & Associates

*Frank Nelson, Executive Managing Director of Medical – Academic Practice – Newmark

Philip Plottel, Chair Newton Economic Development Commission

Jonathan Simpson, Associate Brookline Town Counsel

*Ted Tye, National Development

Carrie Wager, PhD Ascidian Therapeutics Vice President Strategic and Scientific Operations

Henry Warren, V.M.D. Associate Director for Harvard’s Veterinary and Diagnostic Services for the Animal Resource Center

Amanda Zimmerman, PhD Axonis Associate Director, Neuroscience Discovery and Preclinical Development

WRITTEN RESOURCES

Lab and Life Science Market Reports from:

[Avison Young](#)

[Colliers](#)

[CBRE Research](#)

Cushman & Wakefield: [Life Sciences on the Rise, North American Report 2021](#)

[Newmark](#)

[MICROBES, MICE AND MINEFIELDS: UNIQUE ISSUES IN DEVELOPING AND LEASING LIFE SCIENCE FACILITIES.](#) William R. O’Reilly, Jr., Wilmer Cutler Pickering Hale and Dorr, LLP. [American College of Real Estate Lawyers, October 2014](#)

[NIH RePorter](#) – Data on NIH Funding

Fire Safety Resources:

6.A.

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<https://coderedconsultants.com/insights/did-you-know-nfpa-45-is-adopted-for-lab-projects-in-the-city-of-boston/>

<https://coderedconsultants.com/insights/statewide-adoption-of-nfpa-45-for-laboratories/>

<https://coderedconsultants.com/insights/chemical-compliance-options-for-multi-tenant-lab-and-manufacturing-buildings/>

<https://coderedconsultants.com/insights/chemical-room-storage-considerations/>

APPENDIX 4 KEY DESIGN FEATURES

The engineering of a life science building, including Environmental, Health, and Safety consultants, is critical to its success. There are considerable infrastructure costs, which require minimum building mass for financial feasibility.

Life science uses require higher floor to ceiling height than an office building, and higher rooftop penthouses for mechanical equipment. Generally, floor to ceiling heights are in the 15-foot range to accommodate ducting, with a 20-35 foot-high mechanical penthouse enclosed to mitigate noise that makes mounting rooftop solar panels challenging. Laboratories using hazardous materials require 100 percent outside air. This is achieved by at least 6 air changes per hour providing continuous ventilation. The significant venting of fume hoods and increased air handling IS MUCH DIFFERENT THAN an office building which tries to stay as tight as possible.

Another key design consideration is future flexibility. There are many unique physical features of life science space, including dry labs and wet labs along with research support space for many specialized functions in addition to more general office space. For start-up labs in particular, flexibility is needed between the amount of research and office space as the life cycle of the company evolves. Ideally a lab can be converted from the production of hazardous waste to a highly sterile place. Vibration along the Green Line must be mitigated. the first floor must work well for loading docks, trash, and chemical storage, all ideally inside the building. Labs require 2 independent power feeds with a backup generator. Vivarium (animal housing) have dedicated elevators and are segregated from other lab and associated office spaces. This is an important building feature, and while small in size is Very expensive to construct

There are a number of factors which make conversion of existing structures to life science facilities challenging including fire safety and building code in addition to high venting, rooftop mechanical, emergency power, and utility demands. Brookline has no obvious large buildings that could be converted to this use.

APPENDIX 5 REGULATORY AND STANDARD SETTING ORGANIZATIONS

The following is a partial list of the regulatory and standard setting organizations governing the design, construction, and operation of life science facilities.

The Centers for Disease Control and Prevention's [*Biosafety in Microbiological and Biomedical Laboratories \(BMBL\) 6th Edition*](#)

Massachusetts Department of Environmental Protection (MASS DEP) [Environmental Compliance for Laboratories](#)

The National Institutes of Health, Office of Science Policy: [Biosafety Guidance and Resources](#)

The National Institutes of Health, Division of Technical Resources: [Design Requirements Manual](#)

[NIH GUIDELINES FOR RESEARCH INVOLVING RECOMBINANT OR SYNTHETIC NUCLEIC ACID MOLECULES \(NIH GUIDELINES\)](#)

National Institute of Building Sciences [Whole Building Design Guide](#),

[Dry Labs](#)

[Wet Labs](#)

US Department of Labor, [Occupational Safety and Health Administration](#)

[USDA Animal Care](#)

ARTICLE 6SIXTH ARTICLE

Submitted by: Commissioner of Public Works, ADA Coordinator

To see if the Town will amend the General By-Laws, Part VII, Streets and Ways, Article 7.5, General Prohibitions, Section 7.5.11, Obstructions, as follows (additions are underlined and deletions appear in stricken text):

**ARTICLE 7.5
GENERAL PROHIBITIONS**

SECTION 7.5.11 OBSTRUCTIONS

- (a) No person shall place or cause to be placed in any street or upon any sidewalk of the town, any **object, material,** ~~lumber, coal, iron, trunk, bale, box, crate, cask, package, article,~~ or anything whatsoever so as to obstruct a free passage for travelers, nor **shall any Property Owner or Property Manager allow vegetation from any property under their control to obstruct free passage on the sidewalks or ways contiguous to such property.** ~~allow any of the same to remain more than one hour after being notified~~ **Upon notification** by a police officer **an authorized agent of the Town** to remove it, **said obstruction must be removed.** ~~it, except that n~~ Nothing herein contained shall be construed to prevent the use of streets and sidewalks for building **construction or temporary storage** purposes upon obtaining a permit from the **Town** Select Board. **For purposes of this Section, "Property Owner" shall mean the legal owner of record of real property as listed by the tax assessor's records and "Property Manager" shall mean any tenant in possession or person or entity in control of real property, including, but not limited to, a condominium association.**
- (b) **The Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this By-Law, subject to the approval of the Select Board.**
- (c) **Compliance period: Any roadway or sidewalk obstruction shall be removed within one hour after notification to remove it except that a vegetative sidewalk obstruction shall be removed within the period established by regulation or within 21 days, whichever is shorter.**
- (d) **Violations of this By-Law and its regulations shall be subject to the following penalties in accordance with Article 10.1., in addition to applicable court costs for any enforcement actions taken.**

Failure to remove a vegetative sidewalk obstruction within the compliance period following the initial notification shall constitute a First Offense. An obstruction remaining after this initial compliance period shall cause a second notification to be issued, which shall begin a second compliance period; failure to remove the obstruction within this second compliance period shall constitute a Second Offense, and similarly for subsequent notifications, compliance periods, and penalties. Penalties are cumulative.

<u>First Offense</u>	<u>\$100.00</u>
<u>Second Offense</u>	<u>\$200.00</u>
<u>Each Subsequent Offense</u>	<u>\$300.00</u>

For all other roadway or sidewalk obstructions, failure to remove an obstruction within the compliance period after notification shall constitute a First Offense. Repeated obstructions and repeated failures to comply shall be deemed Second and Subsequent Offenses.

<u>First Offense</u>	<u>\$25.00</u>
<u>Second Offense</u>	<u>\$50.00</u>
<u>Each Subsequent Offense</u>	<u>\$100.00</u>

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

The article proposes amending the General By-Laws, Section 7.5.11 Obstructions to remove obsolete language and to provide the Town, in particular the Department of Public Works (DPW), with the specific authority to enforce removal of vegetative sidewalk obstructions. Overgrown vegetation is the most common obstruction impacting safe, equitable, compliant and fair access to the public way for all.

Hedges, bushes, low-hanging branches, grasses and other obstructive vegetation that intrude on the public way can inhibit or obstruct safe passage – and sometimes block ALL passage – for some or all pedestrians, especially those with mobility devices (wheelchairs, walkers, canes, etc.), baby carriages, or strollers. Low growth vegetation protruding over the sidewalks may also present tripping hazards. Blind residents report being “struck in the face” by low hanging tree branches or other overgrowth that they cannot see, or detect with an aid, in order to avoid.

An examination of reports in BrookONline and on-site observations by members of the Town's Pedestrian Advisory Committee show that this is a wide-spread problem affecting all of Brookline's precincts. While DPW, working with the Commission on Disability and

the Town's ADA Coordinator, has made significant efforts over the past year to raise public awareness of property owner responsibilities, DPW lacks specific authority for enforcement. The proposed By-Law changes seek to address this gap.

Deficiencies in the current By-Law Section 7.5.11 Obstruction include the following:

- Only objects "placed" on sidewalks are specifically prohibited. Town Counsel has indicated that this does not clearly enough cover vegetation that grows into the sidewalk space.
- States that obstructions must be removed within an hour after notification – not generally feasible for foliage.
- Does not provide fines for vegetative sidewalk obstructions of any kind.
- Contains obsolete examples such as "coal" and "bale."
- Does not provide for notification to property owner by anyone other than a police officer.

The proposed By-Law revision would address these shortcomings by explicitly including vegetative obstructions as prohibited, replacing "police officer" with "authorized agent of the Town", establishing a schedule of monetary penalties, and incorporating language from the current Article 8.3.1 Leaf Blower Control.

The proposed level of fines for vegetative obstructions is commensurate with the \$100 penalty for a vehicle blocking a handicap parking space or a curb ramp. A vegetative obstruction can similarly deny to individuals with disabilities and others the use of a portion of the public way for a long period of time: the compliance period after initial notification (aka "grace period") is much longer for vegetative obstructions than for other types (twenty-one days versus one hour). It is not always feasible to prune a tree or cut back a shrub or other vegetation immediately; the property owner may have to hire a contractor to perform the work. The fines should be substantive enough that property owners have no incentive to postpone maintaining their vegetation, including during property renovation or transfer. Allowing substantial restrictions of the public way to remain longer than 21 days is a serious hardship, inequity and danger to pedestrians.

These proposed changes in By-Law Section 7.5.11 support Brookline's commitments to accessibility, sustainability, and public safety.

Commission for Diversity, Inclusion and Community Relations REPORT AND RECOMMENDATION – WARRANT ARTICLE 6

The mission of the CDICR is to support a welcoming environment by encouraging cooperation, tolerance, and respect among and by all persons who come in contact with the Town of Brookline (i.e. visitors, residents, employers, employees etc.) by advancing, promoting and advocating for the human and civil rights of all through education, awareness, outreach and advocacy.

The CDICR reviewed the warrant article on 10/20/2021. By a vote of 11-0-0, the CDICR recommends FAVORABLE ACTION on Warrant Article 6.

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DISCUSSION

Submitted by the Commissioner of Public Works and Town ADA Coordinator, Warrant Article 6 proposes amending the General By-Laws, Section 7.5.11 Obstructions to remove obsolete language and to provide the Town, in particular the Department of Public Works (DPW), with the specific authority to enforce removal of vegetative sidewalk obstructions. The proposed By-Law revision explicitly replaces oversight from “police officer” to “authorized agent of the Town” and provides a level of fines for vegetative obstructions commensurate with the \$100 penalty for a vehicle blocking a handicap parking space or a curb ramp. Because a vegetative obstruction can similarly deny to individuals with disabilities and others the use of a portion of the public way for a long period of time, the fines should be substantive enough that property owners have no incentive to postpone maintaining their vegetation, including during property renovation or transfer. Allowing substantial restrictions of the public way to remain longer than 21 days is a serious hardship, inequity and danger to pedestrians.

The CDICR recognizes that the proposed changes in warrant article 6 strongly support Brookline’s commitments to accessibility, sustainability, and public safety.

It is with this in mind that the Commission voted FAVORABLE ACTION on Warrant Article 6 by a vote of 11-0-0.

COMMISSION ON DISABILITY STATEMENT

Sidewalk obstruction pose a threat to everyone – residents and visitors alike – and especially people who use wheelchairs, push strollers, have balance or mobility issues, are blind or have low vision, or are wheeling luggage, etc.

In particular, people who use wheelchairs, walkers, canes or other durable medical equipment, and residents who are blind or low vision often have to re-route trips in the pouring rain or frigid temperatures because of barriers in the path of travel, including vehicles parked on the sidewalk, overgrowth from bushes and trees, or garbage barrels. They may force people with disabilities to turn around and find other ways to get by, including traveling in the street, which is unsafe for both pedestrians and drivers or cyclists.

The current Sidewalk Obstruction By-Law as written is vague and outdated. The proposed amendments are excellent as they provide simple definitions and a clear procedure for enforcement.

Approval of Warrant Article 6 will go a long way towards making Brookline an age-friendly and pedestrian-friendly town. The Commission on Disability strongly urges all members of Town Meeting to vote in favor of Warrant Article 6 during the November 2021 Town Meeting.

James Miczek, Acting Chair & Members of Brookline Commission on Disability
November 2, 2021

All members present for the Commission on Disability on October 13, 2021 during a roll call vote in favor of supporting Warrant Article 6:

James Miczek, Acting Chair/
Deputy Chair Henry Winkelman
Ann Kamensky
Joan Mahon
Elaine Ober
James Lee
Miriam Aschkenasy, Select Board Member

SELECT BOARD'S RECOMMENDATION

Article 6 is proposed by the DPW Commissioner and ADA coordinator and seeks to provide enforcement authority to the DPW for the removal of vegetative sidewalk obstructions. The Board agrees that the ambiguity in the existing by-laws should be rectified, and that the changes proposed make sense and provide an improvement to the public way. The Board feels that the changes give reasonable time periods for home owners to remove obstructions and addresses a widespread issue as documented on BrookONline and by the Pedestrian Advisory Committee. A unanimous Select Board voted FAVORABLE ACTION on the following motion:

MOVED: That the Town will amend the General By-Laws, Part VII, Streets and Ways, Article 7.5, General Prohibitions, Section 7.5.11, Obstructions, as follows (additions are underlined and deletions appear in stricken text):

ARTICLE 7.5 GENERAL PROHIBITIONS

SECTION 7.5.11 OBSTRUCTIONS

- (a) No person shall place or cause to be placed in any street or upon any sidewalk of the town, any **object, material,** ~~lumber, coal, iron, trunk, bale, box, crate, cask, package, article,~~ or anything whatsoever so as to obstruct a free passage for travelers, nor **shall any Property Owner or Property Manager allow vegetation from any property under their control to obstruct free passage on the sidewalks or ways contiguous to such property.** ~~allow any of the same to remain more than one hour after being notified~~ **Upon notification** ~~by a police officer~~ **an authorized agent of the Town** to remove it, **said obstruction must be removed.** ~~it, except that a~~ **Nothing herein contained shall be construed to prevent the use of streets and sidewalks for building construction or temporary storage purposes upon obtaining a permit from the Town Select Board. For purposes of this Section, "Property Owner" shall mean the legal owner of record of real property as listed by the tax assessor's records and "Property Manager" shall mean any tenant in possession or person or**

entity in control of real property, including, but not limited to, a condominium association.

(b) The Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this By-Law, subject to the approval of the Select Board.

(c) Compliance period: Any roadway or sidewalk obstruction shall be removed within one hour after notification to remove it except that a vegetative sidewalk obstruction shall be removed within the period established by regulation or within 21 days, whichever is shorter.

(d) Violations of this By-Law and its regulations shall be subject to the following penalties in accordance with Article 10.1., in addition to applicable court costs for any enforcement actions taken.

Failure to remove a vegetative sidewalk obstruction within the compliance period following the initial notification shall constitute a First Offense. An obstruction remaining after this initial compliance period shall cause a second notification to be issued, which shall begin a second compliance period; failure to remove the obstruction within this second compliance period shall constitute a Second Offense, and similarly for subsequent notifications, compliance periods, and penalties. Penalties are cumulative.

<u>First Offense</u>	<u>\$100.00</u>
<u>Second Offense</u>	<u>\$200.00</u>
<u>Each Subsequent Offense</u>	<u>\$300.00</u>

For all other roadway or sidewalk obstructions, failure to remove an obstruction within the compliance period after notification shall constitute a First Offense. Repeated obstructions and repeated failures to comply shall be deemed Second and Subsequent Offenses.

<u>First Offense</u>	<u>\$25.00</u>
<u>Second Offense</u>	<u>\$50.00</u>
<u>Each Subsequent Offense</u>	<u>\$100.00</u>

ADVISORY COMMITTEE'S RECOMMENDATION

The Advisory Committee recommends Favorable Action on Article 6 as amended by a vote of 24-0-1.

7.A.

November 16, 2021 Special Town Meeting

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Executive Summary:	WA 6, submitted by the Commissioner of DPW and the Town's ADA Coordinator, proposes to amend General By-Laws, Section 7.5.11 Obstructions, to remove obsolete language and to provide the DPW with the authority to enforce removal of vegetative sidewalk obstructions, not specifically covered in the by-law. Overgrown vegetation, which has unique enforcement needs, is the most common obstruction impacting safe, equitable, compliant and fair access to the public way for all.
Voting Yes will...	<ol style="list-style-type: none">1. (1) Update the language of the by-law2. (2) Replace "police officer" with "authorized agent of the Town"3. (3) Explicitly prohibit vegetative obstructions4. (4) Establish separate penalties for vegetative obstruction with a longer compliance period5. (5) Authorize DPW to promulgate regulations
Voting No will...	Keep the current General By-Laws, Section 7.5.11 as is.
Financial impact [if any]	Like other by-laws (e.g., leafblowers) enforcement for this article is complaint-driven. There will be minimal costs for door-hanger warnings and staff time to respond to complaints. Currently, only police officers may respond to public way obstruction complaints. This article will enable DPW to enforce the by-law for non-compliance.
Legal implications [if any]	Unlikely, except in the case of continuing noncompliance.

Introduction

WA 6, submitted by the Commissioner of DPW and the Town's ADA Coordinator, proposes to amend General By-Laws, Section 7.5.11 Obstructions, to remove obsolete language and to provide the DPW with the authority to enforce removal of vegetative sidewalk obstructions.

The Article would remove antiquated language (*e.g.* obstructions from "coal" and "bale") and to provide the Department of Public Works with the authority, now granted solely to the police, to specifically enforce removal of vegetative obstructions in the public ways. Overgrown vegetation (such as a hedge) are the most common obstruction impacting safe, equitable, compliant and fair access to the public way for all.

The Article replaces "police officer" with "authorized agent of the Town" so the DPW employees can enforce the by-law. The Article also lays out separate penalties for removal of such obstructions which incorporates a fine schedule and language from the current Article 8.3.1 Leaf Blower Control, and authorizes the DPW to establish regulations.

7.A.

November 17, 2015 Special Town Meeting

6-8

In response to public comment relating to obstructions that go “across” a sidewalk or “tree lawn” which are not covered by the specific language in the current by-law but which create the same hazards WA6 seeks to address, the petitioners’ proposed by-law was amended to include additional language. Section 7.5.11.a now reads, in part: “(a) No person shall place or cause to be placed in any street upon or across any sidewalk or tree lawn of the town,…”

Voting Yes will accomplish a number of objectives:

- ❖ Explicitly prohibit vegetative public way obstructions, such as overgrown hedges and low-hanging branches
- ❖ Establish separate penalties for vegetative obstruction with a longer compliance period
- ❖ Replace “police officer” as the sole agent for enforcement of the by-law with “authorized agent of the town”
- ❖ Authorize the DPW to promulgate regulations
- ❖ Update the by-law removing archaic language

A No vote will keep the current General By-Laws, Section 7.5.11 as is.

Discussion:

DPW Commissioner Erin Gallentine has brought this article to Town Meeting to correct the limitations of the current by-law which does not explicitly prohibit obstructions caused by vegetation and its unique characteristics. For example, the current by-law states that obstructions must be removed within 1 hour of notification, which is usually not feasible for vegetative obstructions. The amended by-law proposes a notice to the property owner or manager, starting a 21-day compliance period. It was noted that it could take more than 3 weeks to engage a contractor; however, allowing a vegetative restriction to remain for longer than that is a serious hardship and a danger to pedestrians, and particularly those with mobility issues, who might be forced to travel in the street. In addition, low-hanging branches pose a serious hazard to the vision-impaired. Twenty-one days is proposed as a reasonable compromise.

The Pedestrian Advisory Committee (PedAC) conducted an 8 – 10 month study of the vegetative conditions in Brookline by walking through neighborhoods and looking at hundreds of BrooklineOnLine complaints. Their 29-page report submitted to the Transportation Board in July 2021 revealed that virtually every precinct in the Town had vegetative hazards (e.g., overgrown hedges and bushes and low-hanging branches) in the public ways and that many were unreported. At its October 20th meeting, the Transportation Board discussed the PedAC’s report and voted to support WA6. The report as well as the Advisory Committee discussion recognized that older residents or those with physical challenges might not be able to comply with the new restrictions themselves or know someone who could help them to do so. They may be unable to financially afford to hire someone, and in Brookline it is often difficult to find a landscaper to do the work within the 21-day compliance period. The DPW

Commissioner stated that the Department will work with property owners and landscapers to help get the obstructions removed.

According to the Town's ADA Coordinator, Sara Kaplan, Brookline is required to meet ADA requirements for a minimum clear sidewalk width of 36", but wherever possible follows a broader PROWAG (Public Right of Way Accessible Guidelines) standard that requires sidewalks to have a minimum clear width of 48" and a clear height of 80" to allow unobstructed passage by all users.

Similar to other Town by-laws enforcement for Article 6 is complaint-driven. There will be minimal costs for door-hanger warnings, which are proving to be more successful in speeding corrective action than letters, and staff time will be needed to respond to complaints.

The proposed by-law aligns with the Town's broad commitment to public safety and accessibility for all. Among the many groups that are supporting WA6 are the Select Board, Transportation Board, PedAC, CDICR, Brookline Commission on Disability, Age-Friendly Cities Committee and BrooklineCAN.

An amendment was offered to specifically prevent the removal of trees on private property, but Commissioner Gallentine pointed out that while tree limbs may sometime overhang the sidewalk, only the limb would need to be trimmed.

Recommendation

The Advisory Committee unanimously recommends FAVORABLE ACTION on WA6 as amended by a vote of 24-0 with one abstention.

# Votes Yes	5	24
# Votes No	20	0
# Votes Abstain	0	1
	(Failed)	
Vote Description:	Amend to add: Nothing herein... shall be construed to require tree removal as defined in 8.26.2	Recommend favorable action on WA 6, (as amended by the subcommittee)
	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>
Scott Ananian	Y	Y
Carla Benka	N	Y
Ben Birnbaum	N	Y
Harry Bohrs	N	Y
Cliff Brown	N	Y
George Cole	N	Y
John Doggett	N	Y
Dennis Doughty	N	Y
Harry Friedman	Y	Y

7.A.

November 17, 2015 Special Town Meeting

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# Votes Yes	5	24
# Votes No	20	0
# Votes Abstain	0	1
	(Failed)	
Vote Description:	Amend to add: Nothing herein... shall be construed to require tree removal as defined in 8.26.2	Recommend favorable action on WA 6, (as amended by the subcommittee)
David-Marc Goldstein	N	Y
Neil Gordon	N	Y
Susan Granoff	N	Y
Kelly Hardebeck	N	Y
Amy Hummel	Y	A
Alisa Jonas	Y	Y
Janice Kahn	N	Y
Steve Kanes	N	Y
Carol Levin	N	Y
Pam Lodish	N	Y
Linda Olson Pelhke	N	Y
Donelle O'Neal		
David Pollak	N	Y
Carlos Ridruejo	N	Y
Lee Selwyn	N	Y
Alok Somani	N	Y
Paul Warren		
Christine Westphal		
Neil Wishinsky		
Chi Chi Wu	Y	Y
Mike Sandman		

XXX

ARTICLE 12TWELFTH ARTICLE

Submitted by: Bonnie Bastien (TMM 5), Michael Toffel (TMM 8), Elizabeth Schafer (TMM 10), Marissa Vogt (TMM 4), Jeffrey Benson (TMM 3), and Anne Weaver (TMM 11)

To see if the Town will adopt the following Resolution:

WHEREAS, the temporary COVID provisions that suspended the Massachusetts Open Meet Law (OML) requirement that quorum must be in-person resulted in never-before-seen accessibility for civic participation via remote meeting access; and

WHEREAS, those COVID provisions are set to expire on April 1, 2022; and

WHEREAS a reversal from this greater accessibility will dampen residents' ability to attend meetings and serve as members of public bodies; and

WHEREAS, the technology required for audio visual accessibility is becoming more common and less expensive; and

WHEREAS, audiovisual accessibility accommodation is something many in disability communities and organizations have been fighting for for years; and

WHEREAS, policies and decisions our public bodies make can have a large impact on the people who are most excluded from participating in those public bodies; and

WHEREAS, the ability to attend meetings remotely has eliminated critical access barriers to a "seat at the table" for the past 18 months; and

WHEREAS, we must not return to an inequitable past as we move forward after the pandemic.

NOW THEREFORE BE IT RESOLVED THAT:

1. Brookline Town Meeting calls on the Select Board to equip all municipal conference and hearing rooms with audiovisual equipment to enable all public bodies meeting under OML to provide audiovisual participation access for attendees and members by no later than November 1, 2022; and
2. Brookline Town Meeting calls on the Select Board, Moderator, and others who appoint public bodies to, once the legal and technological hurdles are surmounted, insist that all Brookline public bodies meeting under OML meet in a hybrid or fully remote manner rather than via the tradition of meeting in-person providing only telephone access to those seeking to participate remotely; and

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3. The Town of Brookline should consider using non-traditional funding sources to fund the technology and training necessary to support public bodies meeting in a hybrid manner.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This resolution and home rule petition seek to lead Brookline to provide audiovisual accessibility for all public body meetings subject to Open Meeting Law (OML), and to extend the option for fully remote participation in such meetings, which would otherwise not be possible once Massachusetts' emergency OML provisions expire.

SUMMARY

In particular, we are proposing:

(1) a resolution that asks the Town to acquire and install audiovisual equipment in municipal conference and hearing rooms, and conduct relevant training to enable audiovisual remote participation at all meetings subject to OML held by executive branch public bodies, the Advisory Committee (AC), and the Committee on Town Organization and Structure (CTO&S)--as well as all committees created pursuant to Town Meeting votes. The resolution asks the Town to complete these tasks by November 1, 2022, providing a year for implementation; and

(2) a home rule petition seeking the State Legislature to exempt Brookline from the Massachusetts OML clause that stipulates that public body meeting quorum requirements must be met by the chair and other members attending in person. The home rule petition would make it legally permissible--but not required--for meetings of public bodies to be conducted fully remotely, as has occurred during the COVID emergency.

If Town Meeting passes the resolution and the Town enacts it and if Town Meeting passes the home rule petition and the Massachusetts legislature enacts it, the Brookline public bodies listed above would have discretion to decide which of its meetings would be hybrid and which would be fully-remote, but limiting meetings to only in-person attendance would not be allowed.

RATIONALE

Massachusetts' emergency OML provisions have allowed public meetings to occur fully remotely over the past 18 months, which has created never-before-seen access for residents to participate in Town government both as meeting attendees AND as members of a public body. Remote work and virtual meetings at this scale have been an accessibility accommodation that the disability community and organizations like the Boston Center for

Independent Living have long been calling for. Dianna Hu, chairperson of the Boston Center for Independent Living, called remote participation "the latest manifestation of universal design." Universal design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability, or disability. Examples of such accessibility features include sidewalk curb cuts, elevators, and video closed captioning. We have an opportunity to maintain the access created in the response to a crisis, and we should maintain this critical civic tool after the pandemic subsides.

These articles set Brookline on the path toward removing access barriers to those most often excluded from engaging in Town government, better enabling them--and all Town residents--to serve as public body members and to attend public body meetings. Those who especially benefit include residents whose work requires inflexible hours, who work multiple jobs, who are parents or caregivers who lack alternative care options, those who cannot drive or lack transit access, people with health challenges, and people with disabilities. Policies created within our public bodies can have a large impact on the people who are most excluded from participating in them. _The ability to attend meetings remotely has eliminated critical access barriers to a "seat at the table" for the past 18 months. We must not return to an inequitable past as we move forward after the pandemic.

These articles strive to maintain the option for a public body to meet fully remotely, but leave the decision to public bodies of whether and when to do so, or else to meet in-person while providing access for some to participate remotely (that is, hybrid). When the public body chooses to meet fully remotely, this would remove an in-person setting --as we have experienced over the past 18 months. Though this option might cause concern for members and other attendees who prefer to attend meetings in person, that inconvenience is outweighed by the benefit of increasing access for all residents. We expect that public bodies would use their discretion of whether to meet in a hybrid or fully-remote manner by making decisions on a case-by-case basis based on the needs of their members and attendees--and the meeting's agenda items.

Researchers at Boston University studied public meeting participation in nearly 100 Massachusetts municipalities during the first six months of the pandemic and found strong evidence that Zoom meetings do not depress meeting turnout from older community members

([https://www.housingpolitics.com/rcse_ard1/online_meetings_J2mtifi,l'ti,m-.12.<i!:\)](https://www.housingpolitics.com/rcse_ard1/online_meetings_J2mtifi,l'ti,m-.12.<i!:))). They did not find that remote meetings increased participation by underrepresented groups, but noted that individuals in these groups were also disproportionately grappling with job losses, childcare burdens, and other challenges during the study period. Additionally, their study included only planning board and zoning board meetings, which are even less likely to be attended by renters and other residents from underrepresented groups (Yoder 2020, American Political Science Review, 114, 4, 1213-1229, <http://stanford.edu/~voddGJ/i/1oca/Ineetings.pdf>).

These warrant articles maintain the spirit of the Open Meeting Law and improve on the OML to account for today's technological capabilities. The pre-COVID OML requires an in-person quorum, including the chair, for public meetings but explicitly carves out an

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exception for local commissions on disability, recognizing the importance of remote participation to certain subsets of the community. The OML states that "(i)f a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location" but that the commission chair or their representative must still attend in person (<https://malegislature.gov/laws/penerallaws/parti/titleiii/chapter30a/section20>). Our collective experience over the past 18 months shows that we have the technology needed to suspend the in-person quorum requirements for all public bodies, not just local commissions on disability, and still run meetings efficiently and successfully.

To enable all who wish to attend meetings remotely (whether the meeting is fully-remote or hybrid), the Town must remove any access barriers. For example, the public library already lends laptops and hotspots and could increase their communications to ensure residents know about this resource. Librarians (or others) could train residents to use the audio-visual software necessary to participate, such as Zoom. The Town should also engage with Brookline Interactive Group (BIG) and other partners to facilitate remote participation.

Ensuring all residents are fully able to access and participate in the public sphere--such as requirements to provide curb cuts, elevators, and closed captioning--requires investment. Ensuring remote access to public meetings is no different. It is fairly straightforward to extend the option of holding remote-only meetings by maintaining Zoom accounts necessary to support that option, as the Town has used since March 2020. In contrast, enabling hybrid meetings requires investment in in-room cameras, monitors, and projectors. Those public bodies that currently benefit from staff support (e.g., Select Board, Advisory Committee, and the Transportation Board) could have those existing staff members activate and deactivate the technology, incurring virtually no additional staff cost-beyond a few hours of initial technical training. For those public bodies that do not currently benefit from staff support, Town staff or others would need to create video training sessions for a member or a volunteer to activate and deactivate the technology. In addition, an IT helpdesk might need to be staffed to provide immediate technical support if problems arise.

The Select Board Hearing Room has audiovisual equipment already installed. The Office of the Select Board provided cost estimates for the other hearing room and municipal conference rooms. The audiovisual equipment and installation for the School Committee Hearing Room would cost about \$20,000. The cost to equip all 12 municipal conference rooms with audiovisual technology is estimated to be up to \$150,000 (including staff time), although it could be less depending on the technology chosen for each room.

MOTION OFFERED BY THE PETITIONERS

Main Motion proposed by Bonnie Bastien (TMM 5), Mike Toffel (TMM 8), Elizabeth Schafer (TMM 10), Marissa Vogt (TMM 4), Jeffrey Benson (TMM 3), and Anne Weaver (TMM 11) under Article 12.

Voted that the Town adopts the following resolution:

WHEREAS, the temporary COVID provisions that suspended the Massachusetts Open Meeting Law (OML) requirement that quorum must be in-person resulted in never-before-seen accessibility for civic participation via remote meeting access; and

WHEREAS, those COVID provisions are set to expire on April 1, 2022, which creates the possibility that public body members and the general public will cease being able to fully participate in public body meetings via audio/visual technology; and

WHEREAS, a reversal from this greater accessibility will dampen residents' ability to attend meetings and serve as members of public bodies; and

WHEREAS, the technology required for audio visual accessibility is becoming more common and less expensive, and is eligible for ARPA funding; and

WHEREAS, audiovisual accessibility accommodation is something many in disability communities and organizations have been fighting for for years; and

WHEREAS, policies and decisions our public bodies make can have a large impact on the people who are most excluded from participating in those public bodies; and

WHEREAS, the ability to attend meetings remotely has eliminated critical access barriers to a "seat at the table" for the past 20 months; and

WHEREAS, we must not return to an inequitable past as we move forward after the pandemic.

NOW THEREFORE BE IT RESOLVED THAT:

1. Brookline Town Meeting calls on the Select Board to equip all municipal conference and hearing rooms with audiovisual equipment to enable all public bodies meeting under OML to provide audiovisual participation access for attendees and members, according to the following schedule deemed feasible by Town Staff: four such rooms including the Select Board Hearing Room and School Committee Hearing Room by June 1, 2022; four additional such rooms by November 1, 2022; and all such rooms by June 1, 2023; and
2. Brookline Town Meeting calls on the Select Board, Moderator, and others who appoint public bodies to, once the legal and technological hurdles are surmounted, insist that all Brookline public bodies meeting under OML meet in a hybrid or fully remote manner rather than via the tradition of meeting in-person providing only telephone access to those seeking to participate remotely; and

3. The Town of Brookline should consider using non-traditional funding sources to fund the technology and training necessary to support public bodies meeting in a hybrid manner.

Petitioner's Supplemental Explanation

This motion imposes several changes to Warrant Article 12. First, we added some details to the second and fourth “whereas” clauses, and updated the timing from 18 to 20 months in the penultimate clause. Second, we revised the implementation timetable to (1) better acknowledge the work Town Staff is already conducting to plan, install, test, and train staff on hybrid technology in some rooms that host public meetings, and (2) present an implementation schedule that the relevant Town Staff deem feasible given the additional work required, including possibly hiring to conduct the additional hours of technical support staffing.

This article provides an implementation schedule that provides a roadmap to having Brookline ensure that all of its public body meetings be accessible to all attendees and members. The alternative motion created and passed by the Advisory Committee falls short on two dimensions. First, AC’s motion (in its first resolved clause) *eliminates* the Petitioner Motion’s goal and deadline—a deadline the petitioners negotiated with Town Staff—for *all* municipal conference and hearing rooms to be provided with audiovisual equipment to accommodate hybrid meetings. Second, AC’s motion (in its second resolved clause) significantly *weakens* the Petitioner Motion’s clause that calls for the Select Board and others who appoint public bodies to insist that all public bodies *meet* in a hybrid or fully remote manner to ensure universal access, once legally and technologically possible. Instead, AC’s motion merely calls for the option to “provide for hybrid meetings,” a goal that would already be accomplished by the Petitioner Motion’s implementation schedule. The Petitioner Motion highlights the essential nature of providing universal access, acknowledges Town Staff needs time to implement, but sets a clear timetable and vision for universal access to all meetings. AC’s motion, in contrast, fails to do so.

The Office of the Select Board has indicated that the Select Board Hearing Room has audiovisual equipment already installed, and provided the following cost estimates. The petitioners appreciate their assistance.

- \$160,000 to purchase and install audiovisual equipment in 12 municipal conference rooms and the School Committee Hearing Room, and fund staff time to learn how to use it. This was provided as the high side of an estimate range. Deputy Town Administrator Melissa Goff confirmed that the costs associated with purchasing and installing the equipment are eligible for ARPA funding.
- \$70,000 annually to fund two new part-time positions to provide after-hours on-call technical support during public meetings.

SCHOOL COMMITTEE RECOMMENDATION

On October 21, 2021, the School Committee VOTED UNANIMOUSLY by a vote of 9 in favor (Ms. Charlupski, Ms. Ditzkoff, Dr. Ehrenberg, Ms. Federspiel, Ms. Frias, Dr. Liu, Ms. Monopoli, Ms. Nobrega, and Mr. Pearlman), 0 opposed, and 0 abstentions, to support passage of Warrant Article 12, which would provide audiovisual accessibility for all public meetings. The School Committee recognizes the importance of ensuring that all stakeholders receive a meaningful opportunity to participate in public meetings.

SELECT BOARD'S RECOMMENDATION

Article 12 is a petitioned, non-binding Resolution urging the Select Board to equip all municipal conference and hearing rooms with audiovisual equipment necessary to provide remote participation and access at public meetings no later than November 1, 2022. The Resolution also urges public bodies to hold hybrid meetings once the technology and legal issues have been addressed.

The Select Board understands that hybrid meetings are highly desirable in Brookline. Remote participation is a convenient and often necessary way for many residents to engage with their local government. The ability for staff and Board members to participate or assist in public meetings remotely allows for a more balanced work/volunteer/home by minimizing travel and waiting times.

Staff was planning for hybrid meetings even before this article was filed. There are a number of policy and logistical issues that need to be sorted out in order to run hybrid meetings properly. Not all rooms will operate the same. Depending on how the state amends the open meeting law and how many rooms can be equipped for hybrid meetings, a variety of factors must be considered when prioritizing the scheduling of available meeting rooms. Town staff understands the many challenges that come with change management and technology and seeks more flexibility to sort these challenges out.

While there has been initial testing of the hybrid environment, things will have to be adapted once actual hybrid meetings commence. The Select Board is supportive of the concept of hybrid meetings, but chose to provide staff with more flexibility than the petitioners' motion provides. If staff is provided more flexibility to sort these issue out the Board is confident that there will be a solution that will meet the needs of the Town.

The Select Board voted FAVORABLE ACTION on the following motion:

VOTED: That the Town will adopt the following Resolution:

WHEREAS, the temporary COVID provisions that suspended the Massachusetts Open Meet Law (OML) requirement that quorum must be in-person resulted in never-before-seen accessibility for civic participation via remote meeting access; and

WHEREAS, those COVID provisions are set to expire on April 1, 2022; and

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WHEREAS a reversal from this greater accessibility will dampen residents' ability to attend meetings and serve as members of public bodies; and

WHEREAS, the technology required for audio visual accessibility is becoming more common and less expensive; and

WHEREAS, audiovisual accessibility accommodation is something many in disability communities and organizations have been fighting for for years; and

WHEREAS, policies and decisions our public bodies make can have a large impact on the people who are most excluded from participating in those public bodies; and

WHEREAS, the ability to attend meetings remotely has eliminated critical access barriers to a "seat at the table" for the past 18 months; and

WHEREAS, we must not return to an inequitable past as we move forward after the pandemic.

NOW THEREFORE BE IT RESOLVED THAT:

1. Brookline Town Meeting calls on the Select Board to provide an outline including estimated costs to equip all municipal conference and hearing rooms with audiovisual equipment to enable all public bodies meeting under OML to provide audiovisual participation access for attendees and members to Town Meeting by no later than November 1, 2022; and
2. Brookline Town Meeting calls on the Select Board, Moderator, and others who appoint public bodies to, once the legal and technological hurdles are surmounted, insist that Brookline public bodies meeting under OML provide for hybrid meetings rather than only via the tradition of meeting in-person and providing only telephone access to those seeking to participate remotely; and
3. The Town of Brookline should consider using non-traditional funding sources to fund the technology and training necessary to support public bodies meeting in a hybrid manner.

ROLL CALL VOTE:

Aye

Hamilton

Greene

VanScoyoc

No

Aschkenasy

Absent

Fernandez

Motion marked up against the original petitioner language

NOW THEREFORE BE IT RESOLVED THAT:

1. Brookline Town Meeting calls on the Select Board to **provide an outline including estimated costs to** equip all municipal conference and hearing rooms with audiovisual equipment to enable all public bodies meeting under OML to provide audiovisual participation access for attendees and members **to Town Meeting** by no later than November 1, 2022; and
2. Brookline Town Meeting calls on the Select Board, Moderator, and others who appoint public bodies to, once the legal and technological hurdles are surmounted, insist that all Brookline public bodies meeting under OML **provide for hybrid meetings** ~~meet in a hybrid or fully remote manner~~ rather than via the tradition of meeting in-person **and** providing only telephone access to those seeking to participate remotely; and
3. The Town of Brookline should consider using non-traditional funding sources to fund the technology and training necessary to support public bodies meeting in a hybrid manner.

Note: After the Select Board took their vote both the petitioners and the Advisory Committee revised their motions. The Select Board will consider these new versions at their next meeting.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation on Article 12 will be included in the supplemental mailing.

XXX

ARTICLE 1

FIRST ARTICLE

Submitted by: Select Board

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2022 budget or transfer funds between said accounts;
- B) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Select Board, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.
- C) Appropriate \$81,753.60, to be expended under the direction of the Commissioner of Public Works, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the Warrant for any Town Meeting when budget amendments for the current fiscal year are required. For FY2022, the warrant article is necessary to balance the budget based on higher than projected revenue, appropriate ride-share revenue, and transfer funds from the HCA Stabilization Fund to support the Racial Equity program.

SELECT BOARD'S RECOMMENDATION

Article 1 of the Warrant for the Second 2021 Fall Town Meeting proposes amendments to the FY2022 budget. The article is required to address four outstanding items:

- The final State budget contained lower state aid allocations for Brookline than assumed in the budget approved by Town Meeting;
- Increased projections of Local Receipts based on final FY2021 and YTD experience;
- Appropriating annual revenue from the assessment on transportation network companies (TNCs) to fund transportation projects;
- Appropriating \$200,000 from the Host Community Stabilization fund to support the racial equity fund.

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LESS NET STATE AID

The final cherry sheet resulted in \$12,342 less of Net State Aid (without Offsets¹), adjusting the total FY2022 Net State Aid (without Offsets) figure to \$15,350,689, an increase of \$290,563 (1.9%) over FY2022. The table on the following page shows how the final State budget results in \$12,342 less in Net State Aid (without Offsets):

	FY21 FINAL CHERRY SHEET	FY22 MAY TM BUDGET	FY22 FINAL CHERRY SHEET	VARIANCE FROM FY22 BUDGET	% CHANGE FROM FY22 BUDGET (H1)	VARIANCE FROM FY21	% CHANGE FROM FY21
RECEIPTS							
Ch. 70	15,006,787	15,212,527	15,212,527	0	0.0%	205,740	1.4%
Unrestricted General Gov't Aid	6,741,760	6,977,722	6,977,722	0	0.0%	235,962	3.5%
Vets Benefits	66,228	72,642	72,642	0	0.0%	6,414	9.7%
Exemptions	30,028	23,633	23,633	0	0.0%	(6,395)	-21.3%
Charter School Reimbursements	25,662	11,221	2,814	(8,407)	-74.9%	(22,848)	-89.0%
TOTAL RECEIPTS	21,870,465	22,297,745	22,289,338	(8,407)	0.0%	418,873	1.9%
CHARGES							
County	1,068,712	1,116,294	1,116,294	0	0.0%	47,582	4.5%
Air Pollution Dist.	34,088	35,140	35,140	0	0.0%	1,052	3.1%
MAPC	31,837	32,571	32,571	0	0.0%	734	2.3%
RMV Surcharge	189,020	189,020	189,020	0	0.0%	0	0.0%
MBTA	5,315,442	5,357,582	5,357,582	0	0.0%	42,140	0.8%
SPED	33,614	62,598	64,770	2,172	3.5%	31,156	92.7%
School Choice Sending Tuition	66,171	66,171	76,456	10,285	15.5%	10,285	15.5%
Charter School Sending Tuition	71,455	75,338	66,816	(8,522)	-11.3%	(4,639)	-6.5%
				0			
TOTAL CHARGES	6,810,339	6,934,714	6,938,649	3,935	0.1%	115,752	1.7%
OFFSETS							
Libraries	103,231	103,231	101,559	(1,672)	-1.6%	(1,672)	-1.6%
TOTAL OFFSETS	103,231	103,231	101,559	(1,672)	-1.6%	0	0.0%
NET LOCAL AID	15,163,357	15,466,262	15,452,248	(14,014)	-0.1%	288,891	1.9%
NET LOCAL AID W/O OFFSETS	15,060,126	15,363,031	15,350,689	(12,342)	-0.1%	290,563	1.9%
GROSS LOCAL AID	21,973,696	22,400,976	22,390,897	(10,079)	0.0%	417,201	1.9%

We also examined Local Receipts at the close of FY21. Based on this experience further adjustments can be made to provide additional support for Town and School Services. The following adjustments were made to local receipts:

¹ Offset Aid consists of Library aid which goes directly to the Library, without appropriation. The Library will have \$1,672 less available in FY22.

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REVENUE SOURCE	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 ACTUAL	FY2022 BUDGET	ADJUSTED FY2022 BUDGET	VARIANCE	NOTE
						\$	
Motor Vehicle Excise	6,583,651	6,277,980	6,040,964	6,071,266	6,071,266	0	
Local Option Taxes	3,883,867	5,274,692	2,539,514	2,125,000	2,725,000	600,000	MJ excise, lodging
Licenses and Permits	1,270,918	1,015,703	966,958	646,108	646,108	0	
Parking and Court Fines	3,325,989	2,441,943	1,991,875	1,550,000	1,850,000	300,000	
General Government	6,364,462	9,123,443	7,496,635	3,804,458	3,804,458	0	Building Permits, HCA not in 22
Interest Income	2,109,380	1,732,705	674,690	768,251	768,251	0	
In Lieu of Tax Payments	1,029,485	1,590,248	2,023,502	1,295,200	1,795,200	500,000	
Refuse Fees	3,035,152	3,026,916	3,392,884	3,574,327	3,574,327	0	
Departmental and Other	8,122,404	6,743,670	5,352,913	4,116,776	4,416,776	600,000	Parking Meters, Parking permits
Total	35,725,309	37,227,300	30,479,935	23,951,385	25,451,385	2,000,000	

The net result is additional revenue of \$1,987,658 available for appropriation. Pursuant to the Town/School Partnership, this translates to \$791,587 available for the Town budget and \$1,196,071 available for the School budget.

Recommendation for the Town appropriation is as follows

Collective Bargaining: \$791,587 The FY 2022 Budget has revenue assumptions based upon uncertain impacts from the continuing COVID pandemic. This led to reductions in certain departmental staffing and programs, and contributed to a very restrictive collective bargaining environment. As revenue recovery from the pandemic has improved, I recommend that we dedicate all of these enhanced revenue to the Collective Bargaining Reserve account.

APPROPRIATION OF RIDE SHARE REVENUE

The Town has received \$81,753.60 in funds from the State assessment on transportation network companies (TNCs), such as Uber and Lyft. One half of the \$0.20 per ride assessment was distributed to the Town and can be appropriated “to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in [G.L. c. 90I, § 1] and other programs that support alternative modes of transportation.” St. 2016, c. 187, § 8(c)(i). In addition, the Police Department was unable to fully expend FY2019 funds which means \$18,101.15 is available for reallocation.

The recommendations for \$99,854.75 as voted by the Transportation Board are as follows:

Brookline Elder Transportation (Council on Aging): Normally the TNC funds are used to support 3 different programs geared toward increasing access to transportation services for Brookline seniors in support of the Town’s goal of Aging in Place and our designation as a World Health Organization Age Friendly Community. However, based on the fact that there is 2019 funds remaining to support several of the Senior Transportation subsidy programs, the Council on Aging has reduced their request for the 2020 funds, for this year only, to just cover the staffing costs. TOTAL FUNDING \$48,898

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Brookline Friendly Community Public Bench Project (BCAN): Purchase and install up to 10 benches at designated locations identified by Brookline Community Aging Network and the Pedestrian Advisory Committee to continue to promote walkability for all ages by providing locations of rest along main sidewalk walking routes. TOTAL FUNDING \$22,000

Town Hall Sheltered Bike Rack with Green Roof: The DPW has recently reconstructed the Town Hall plaza to provide a welcoming space for residents to interact. Unfortunately, there was no budget to provide the long requested sheltered bike rack from the Green Routes Master Network Plan. The idea is combine this structure with a green roof to help meet the Town's Climate Action & Urban Forestry Master Plan goals. TOTAL FUNDING \$15,000

Gateway East Bus Shelter: In order to improve service and maximize usage, as part of the Gateway East Project, the bus stops on the inbound and outbound sides of Washington Street were combined and constructed as floating bus stops. As part of the 2021 MassDOT Shared Streets & Spaces grant program the Town was a secondary applicant with the MBTA to purchase and install a shelter at the combined eastbound stop for the 60, 65, and 66 buses. However, there was no funds allocated in neither the project nor the grant to purchase and install a bus shelter on the outbound stop for the 65 & 66 buses. Staff is proposing the use of the remaining fund balance to cover a large percentage of the cost to purchase and install a bus shelter at this priority location. TOTAL FUNDING \$13,956.75

APPROPRIATION OF HOST COMMUNITY FUNDS

At the end of FY21 the Town was able to execute a MOA with the Brookline Community Foundation (BCF) for a Racial Equity Fund as contemplated by Town Meeting. At the time there was \$300,000 of Host Community Agreement funding available to transmit to BCF. The stabilization fund has since accrued enough funding for \$200,000 to be appropriated in order to meet the \$500,000 commitment recommended by the Town Administrator.

A unanimous Select Board voted FAVORABLE ACTION on the following motion:

VOTED: That the Town:

- 1) Amend the FY2022 budget as shown below and in the attached Amended Tables I and II:

ITEM #	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
21. Schools	\$119,870,476	\$1,196,071	\$121,066,547
24. Collective Bargaining Reserve	\$415,000	\$791,587	\$1,206,587

- 2) Appropriate \$99,854.75 to be expended under the direction of the Commissioner of Public Works to address the impact of transportation

network services on municipal roads, bridges and other transportation infrastructure and to meet the appropriation transfer \$81,753.60 from the Transportation Network Company (TNC) special revenue account and transfer \$18,101.15 from the Police Department's FY2019 TNC fund balance found under account 4919K167.

- 3) Appropriate \$200,000 to be expended under the direction of the Town Administrator, for the racial equity fund as established through the MOA with the Brookline Community Foundation dated 6/29/21 and to meet the appropriation transfer \$200,000 from the HCA stabilization fund.

ADVISORY COMMITTEE'S RECOMMENDATION

Recommendation: The Advisory Committee voted 26-0-2 to recommend Favorable Action on the routine reallocations of funds and 21-3-4 to recommend Favorable Action on the transfer to the Racial Equity Fund. It voted 26-3-0 to approve the amendment regarding the transfer of fund from the Reserve Account to the Claims and Settlements Account maintained by Town Counsel's Office

Executive Summary:	<p>Each year a budget amendment is offered at our November Special Town Meeting by the Town Administrator's office. The amendment takes into account known changes in state funding and other forms of revenue and known changes in expenditures. Any increase in net revenue is typically distributed across the line items that are specified in the amendment.</p> <p>An additional amendment to the FY 22 budget was made by the Advisory Committee to shift funds from the Reserve Account to Town Counsel's office in anticipation of possible action by the Select Board for indemnification for legal expenses.</p>
Voting Yes will...	Amend the current (FY22) budget by balancing known changes in revenue with known changes in expenditures in accordance with the Town Administrator's recommendations and shift funds within accounts in accordance with the Advisory Committee amendment.
Voting No will...	Leave the FY 22 budget unchanged, with the result that increases in revenue will not be available to support increases in services or other aspects of Town operations, and leave the Reserve Account unchanged
Financial impact	Approval of the amendments will increase the amount of funding available for the DPW, add funds to the Collective Bargaining Reserve, and provide funding for the Racial Equity Fund.
Legal implications	Approval of the Advisory Committee's amendment will provide funding to offset a possible claim for indemnification for legal fees.

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Introduction

The following changes in the FY 22 budget were proposed by the Town Administrator:

ITEM #	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
21. Schools	\$119,870,476	\$1,196,071	\$121,066,547
24. Collective Bargaining Reserve	\$415,000	\$791,587	\$1,206,587

- 4) Appropriate \$99,854.75 to be expended under the direction of the Commissioner of Public Works to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure and to meet the appropriation transfer \$81,753.60 from the Transportation Network Company (TNC) special revenue account and transfer \$18,101.15 from the Police Department's FY2019 TNC fund balance found under account 4919K167.
- 5) Appropriate \$200,000 to be expended under the direction of the Town Administrator, for the racial equity fund as established through the MOA with the Brookline Community Foundation dated 6/29/21 and to meet the appropriation transfer \$200,000 from the HCA stabilization fund.

The following amendment to the FY22 budget was passed by the Advisory Committee:

Voted: To reduce the Reserve Fund by \$198,050 and to transfer the amount of such reduction to the Claims and Settlements Account maintained by Town Counsel's Office ("Town Counsel"), with said appropriation to be used as payment of a sum not to exceed \$169,050 for an indemnification payment to Stanley Spiegel ("the Indemnification Payment") and of a sum not to exceed \$29,000 for payment to Mr. Spiegel or his counsel as a contingent fee for obtaining the Spiegel indemnification ("the Contingent Fee Payment"), provided that payment of the Indemnification Payment and the Contingent Fee Payment shall be conditioned on (a) the execution of a settlement agreement and release satisfactory to Mr. Spiegel, and the Town; (b)(i) the determination by a neutral third party, who shall be retained by Town Counsel and who shall be mutually acceptable to Mr. Spiegel, his counsel and Town Counsel, of the reasonableness of the amount of the Indemnification Payment and the determination by said third party that the Contingent Fee Payment is fair and consistent with normal contingent fee practices, or (ii) authorization by the Select Board.

Discussion

The Advisory Committee split its vote on the Town Administrator's proposal into three parts: (1) the \$1,196,071 increase in the School budget, (2) the \$791,587 increase in the

Collective Bargaining Reserve and the \$99,854.75 allocated to the Department of Public Works; and (3) the \$200,000 allocated to the Racial Equity Fund.

The allocations of revenue to the Schools, the Collective Bargaining Reserve and the DPW was viewed as routine and appropriate. Discussion centered on the transfer of \$200,000 to the Racial Equity Fund and the nature of the Town's agreement with the Brookline Community Foundation (BCF).

The Town sought out the BCF because it is a non-political charitable entity with a long track record in both grant giving and fund raising. BCF has administered Town funds on the past, including block fund grants and COVID-19 funds to support, for example, food pantries in Brookline. Brookline entered into a Memorandum of Understand with the BCF to administer the Racial Equity Fund that was been established at Town Meeting's direction, with the intent to fund it from the community impact taxes paid by marijuana businesses in Brookline. The Memorandum calls for a committee of three BCF board members, three Town representatives, and six residents to assess how to use the funds. The committee is just getting organized, and no grant applications have been requested thus far.

The transfer of funds from the Reserve Account relates to a claim for indemnification of legal fees by Stanley Spiegel, who was drawn in as a defendant in the federal lawsuit by Gerald Alston against the Town, the then-current members of the Select Board, and others. Mr. Spiegel was a member of the Advisory Committee at the time as well as a member of Town Meeting, and he still is a Town Meeting member. A federal magistrate dismissed Mr. Spiegel from the case and ultimately awarded him \$20,000 in damages payable by Mr. Alston's attorney for frivolously including Mr. Spiegel in the first place.

Mr. Spiegel incurred substantial legal fees in the course of seek to be released from the lawsuit, and he has made a claim for reimbursement under the provisions of State law that provide for indemnification of "employees" – which case law has defined as including volunteers - by the municipality they serve. Mr. Spiegel's attorney pointed out that any volunteer serving Brookline, whether a Town Meeting Member or a member of a board or commission, could be sued in connection with their service to the Town, and that all of us are at risk, even if the suits are ultimately determined to be frivolous.

The primary focus of the Advisory Committee's discussion was whether the \$198,050 claimed by Mr. Spiegel was reasonable. The Advisory Committee included language in the budget amendment that requires a third-party review, in detail, of the claim.

Recommendations

The Advisory Committee voted 26-0-2 to recommend Favorable Action on the routine reallocations of funds and 21-3-4 to recommend Favorable Action on the transfer to the Racial Equity Fund. It voted 26-3-0 to approve the amendment regarding the transfer of fund from the Reserve Account to the Claims and Settlements Account maintained by Town Counsel's Office

7.A.

November 17, 2015 Second Special Town Meeting

1-8

# Votes Yes	26	21	26
# Votes No	0	3	3
# Votes Abstain	2	4	0
Vote Description:	Favorable action on items 1 & 2, Article 1, STM 2	Favorable action on item 3	Advisory Committee motion
	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>
Scott Ananian	Y	Y	N
Carla Benka	Y	Y	Y
Ben Birnbaum	Y	Y	Y
Harry Bohrs	Y	A	Y
Cliff Brown	Y	Y	Y
George Cole	Y	Y	Y
John Doggett	Y	A	Y
Dennis Doughty	Y	Y	Y
Harry Friedman	Y	N	Y
David-Marc Goldstein	Y	Y	Y
Neil Gordon	Y	A	Y
Susan Granoff	Y	Y	Y
Kelly Hardebeck	A	Y	Y
Amy Hummel	Y	Y	Y
Alisa Jonas	Y	Y	Y
Janice Kahn	Y	Y	Y
Steve Kanes	Y	N	N
Carol Levin	Y	Y	Y
Pam Lodish	Y	Y	Y
Linda Olson Pelhke			Y
Donelle O'Neal	Y	A	Y
David Pollak	Y	Y	Y
Carlos Ridruejo	Y	Y	Y
Lee Selwyn	A	N	Y
Alok Somani	Y	Y	Y
Paul Warren	Y	Y	Y
Christine Westphal	Y	Y	Y
Neil Wishinsky	Y	Y	Y
Chi Chi Wu	Y	Y	N
Mike Sandman			

XXX